

From: [Ric Bechter](#)
To: [Molly Orkild-Larson](#)
Cc: [D.J. Steines](#); [John Brittan](#); [Andy Larsen Sr](#); [Mike Dover](#); [Wilson Wheeler](#); [Tracy Murphy](#); [Steve Koets](#)
Subject: Re: PM22-006 - Arcadia Creek Minor Subdivision Referral Comment
Date: Friday, December 16, 2022 10:40:07 AM
Attachments: [image001.png](#)
[PM22-006 External Referral Routing Sheet.docx](#)

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Molly,
I'm familiar with how different formal agencies may respond to these kinds of proposals, but what guidance can you offer HOAs who have concerns?

You are familiar with our concerns about safety and traffic load, etc. This type of agency response form, coupled with attachments perhaps, invites confusion in regards to our continued efforts to share public comments that may be more appropriate in a public hearing or public comment forum.

Do you desire one response from an HOA that has dozens of homeowners or what? Are our comments here restricted to these engineering plans? Any guidance appreciated as we must decide to share this step in the process carefully within our HOA as appropriate and guide our motivated neighbors.

Ric Bechter
Fox Hollow HOA

From: Stephanie Bell <[REDACTED]>

Sent: Thursday, July 6, 2023 8:20 PM

To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>

Subject: Concerns for Arcadia's Culvert Proposal

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Hello Molly, Chuck and Joseph

I am a homeowner at 4328 Christensen Lane in Littleton, and some of our neighbors have been keeping our community apprised of updates with the proposal from Arcadia to build some new homes nearby (straddling Arapahoe and Jefferson County at the end of Christensen Lane). The most recent update we received addresses concerns about the proposal from Arcadia to replace the existing culvert with a new one that would be capable of handling water at a flow rate 3-4 times greater than the existing culvert. It seems logical that this increased amount of water during heaving storms like the ones we recently experience, could create major and potentially damaging flooding issues for our individual properties. Dutch Creek runs behind my house and there was definitely a fast flow of water at a high level for several hours during the most recent storms. I could not imagine what would happen if there was an increased flow at 300-400% higher.

I hope that your board is taking these concerns into consideration when reviewing the proposals from Arcadia. Any updates you can provide on how you plan to resolve these concerns before issuing any approvals would be greatly appreciated.

Thank you kindly,
Steph Christianson
[REDACTED]

From: Lori Bechter

Sent: Friday, March 1, 2024 11:31 AM

To: Robert Hill <RHill@arapahoegov.com>; 'Dan Minzer' <dan@dminzerlaw.com>

Cc: 'Ric Bechter'

Subject: Restricted Vehicle Access Examples (RE: Arcadia Creek development)

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Greetings Bob & Dan, (Please forward to John Smith)

As a follow up to our Teams call a few weeks ago, we were asked to share some examples of restricted access between neighborhoods and counties. Please review the attached slides and our critical points on lane access by the Arcadia development.

Bob, please forward this to John Smith (responsible for mapping in Arapahoe County). We would be happy to have another call with you to jointly discuss.

Thank you!

Cheers,

Lori Bechter


From: Ric Bechter [REDACTED]
Sent: Monday, February 26, 2024 4:48 PM
To: Robert Hill <RHill@arapahoegov.com>
Cc: Dan Minzer [REDACTED]
Subject: Arcadia Creek Dev. & Christensen Lane

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Topic: Christensen Lane Ownership and Easements

To: Bob Hill
John Smith ([Bob, please forward this email to John](#))

Cc: Dan Minzer
Lori Bechter

Bob & John,

Thank you again for your time and attention on our 'Teams' conference call on February 2nd. Lori and I are back from traveling and can now address the action items from the meeting.

Per one of the requests made concerning the 10' strip of land that the Fox Hollow developer (Laguna) acquired and/or negotiated with the Christensen Lane lot owners/builders in the early '90's: Attached is 1) the deed from Laguna Builders to Fox Hollow HOA, 2) a two-page drawing of the associated easements, and 3) a plat map. (John was particularly interested in ensuring the county maps properly reflect these developments and the implicit narrowing of the lane.)

The bottom two diagrams on the second page of the 1993 Plat show the area where the Christensen Lane Access Easement is only 22 feet in width. The northern boundary of the southern ten feet of Lots 1-6 is marked with a dashed line and the area between the dashed line and the southern boundary of each lot is marked: "*Proposed 10' Ingress and Egress and Utility Easement*." This is the strip that Laguna acquired from the owners of Lots 1-6 and then conveyed to Fox Hollow. In striking contrast, the top left corner of page two identifies the 60' wide R.O.W. that Leawood Drive in Jeffco enjoys.

This is just one of the areas where this narrow lane has significant legal, practical, or physical restrictions.

We will follow up as requested, with another email with examples of traffic-restricting barriers in place to protect neighborhoods from being overrun by adjacent developments.

Best regards,

Ric & Lori Bechter

BARGAIN & SALE DEED

(Pursuant to Colo. Rev. Stat. § 38-30-115)

Laguna Builders, Inc., a Colorado corporation ("Grantor"), whose street address is 16 Driver Lane, Littleton, Colorado 80123, County of Arapahoe, State of Colorado, for the consideration of TEN DOLLARS, (\$10.00), in hand paid, hereby sells and conveys to Fox Hollow Estates Homeowners Association, Inc., a Colorado non-profit corporation ("Grantee"), whose street address is 4954 Christensen Drive, Littleton, Colorado 80123, County of Arapahoe, State of Colorado, the following real property in the County of Arapahoe and State of Colorado, to wit:

The southerly ten (10) feet of Lot 1, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

The southerly ten (10) feet of Lot 2, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

The southerly ten (10) feet of Lot 3, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

The southerly ten (10) feet of Lot 4, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

The southerly ten (10) feet of Lot 5, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

The southerly ten (10) feet of Lot 6, Block 1, Christensen Lane Estates, according to the plat thereof filed for record in the office of the County Clerk and Recorder of Arapahoe County, Colorado in Book 105, at Pages 45-47.

also known by street address as: N/A
with all its appurtenances.

Signed this 3rd day of January, 2020.

Grantor:

Laguna Builders, Inc.,
a Colorado corporation

By: Barry L. Talley
Name: Barry L. Talley
Title: President

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

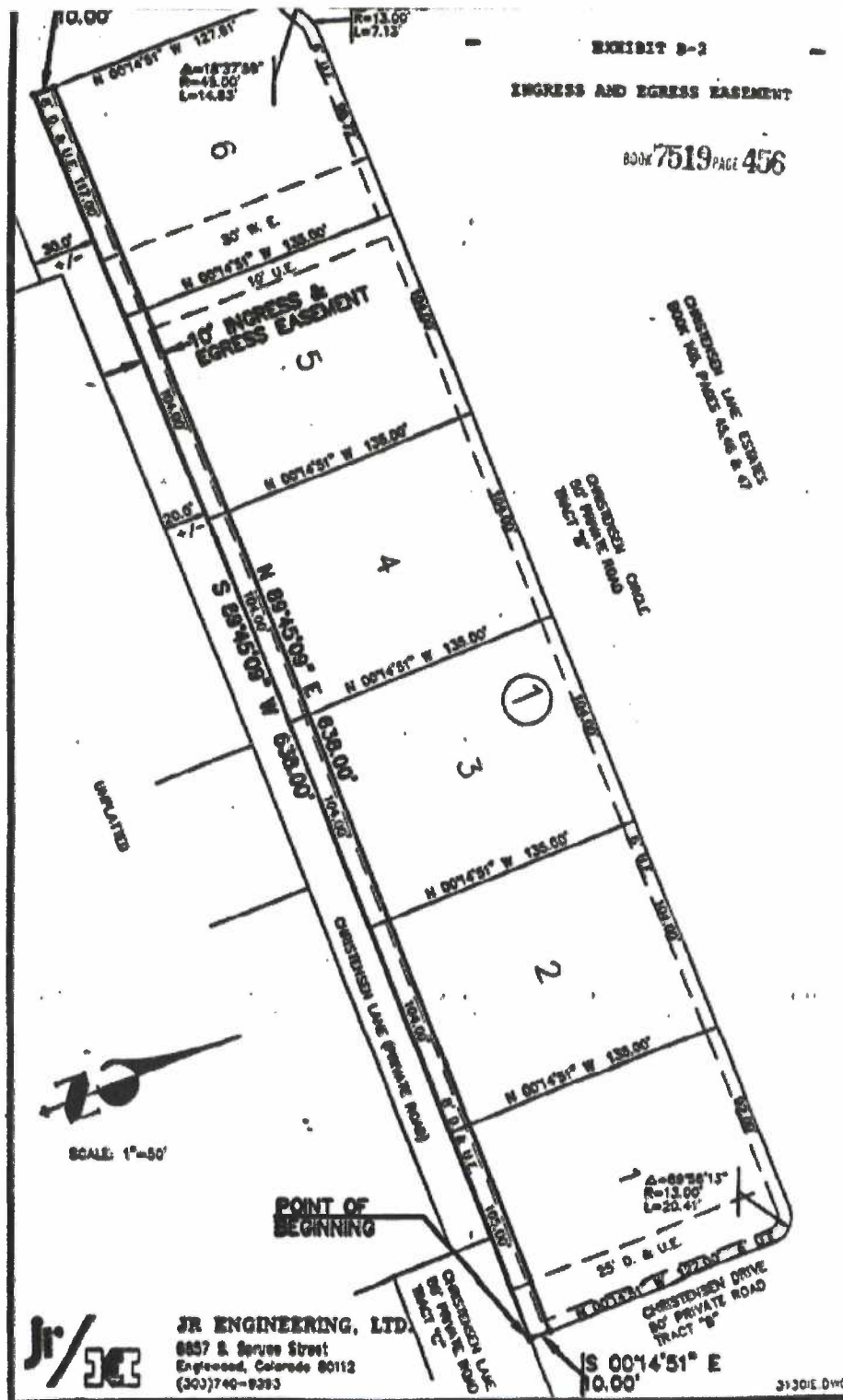
The foregoing instrument was acknowledged before me this 3rd day of January, 2020, by Barry L. Talley, as President of Laguna Builders, Inc., a Colorado corporation.

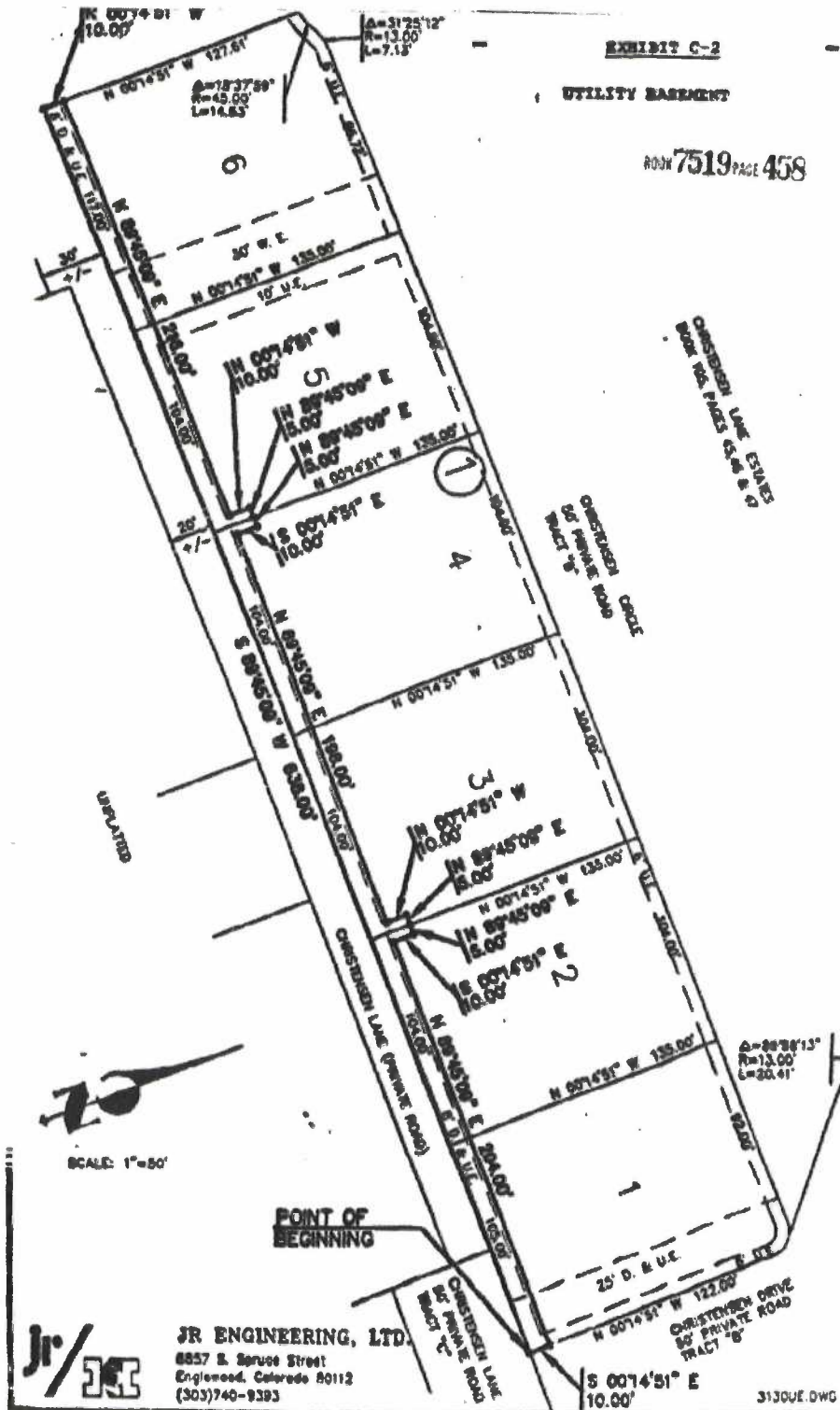
Witness my hand and official seal.

My commission expires: 5/22/20

JAMES R SPEHALSKI
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084013853
MY COMMISSION EXPIRES MAY 22, 2020

**NO DOCUMENTARY FEE REQUIRED PURSUANT TO C.R.S. § 39-13-102,
CONSIDERATION LESS THAN \$500.00**





Molly Orkild-Larson

From: Bolick, Patrick
Sent: Sunday, July 16, 2023 1:42 PM
To: Tiffany Clark; Molly Orkild-Larson; Chuck Haskins; Joseph Boateng
Cc: NicoleBolick
Subject: Arcadia Development Concerns - Arapahoe County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a concerned neighbor and homeowner that lives adjacent to Dutch Creek just below the confluence of Coon Creek at 4994 Christensen Drive, Littleton, CO 80123. We understand that the developer of Arcadia is planning on putting in new culvert as part of the development and that this could increase the flow of water significantly during flooding which we have had several times this year and over 10 times during the 5 years we have lived here. We have seen the creek rise over 10 feet and spread out it banks 50 feet wide during these events and are worried the banks could collapse and create a dangerous situation for all properties downstream of the development.

I believe our neighbors in Fox Hollow have sent pictures recently of the road and bridge being completely flooded which would also endanger the lives of anyone living in the area as well as block access for emergency personnel in the event like this. I am happy to show you pictures and video from past flooding from my property as well show you areas that we are concerned about in person from our property as you evaluate the feasibility of this development.

Thanks again, concerned citizen,

Patrick Bolick

Molly Orkild-Larson

From: Schaffnit, Paul D [REDACTED]
Sent: Wednesday, January 11, 2023 11:18 AM
To: Molly Orkild-Larson
Cc: [REDACTED]; Dave Iadarola; Gary Self; Pam Wendell
Subject: Arcadia Creek Presubmittal Application Referral - comments from Christensen Lane Estates HOA

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Hi Molly,

See below and let me know if any further action is needed from our HOA at this point, in order to formally register our comments on subject application.

Thank you,

Paul Schaffnit, Secretary
Christensen Lane Estates HOA
[REDACTED]

On behalf of the residents of Christensen Lane Estates HOA below is input for the development of the West end of Christensen Lane by the Arcadia Creek Developers. Our comments all relate to the pedestrian walkway that is being included.

1. The pedestrian walkway appears to be on the South side of the road. The south side never sees the sun in the winter months so snow and ice stay there forever. The walkway needs to be on the North side of the road so the snow and ice melt as fast as possible for the safety of pedestrians. This is especially important if the road is to be snow ploughed as some of that snow is likely to pile up on the walkway!!
2. The walkway is shown as being fenced in. This is very unsafe for several reasons.
 - a. When more than one person and a dog are walking one will be inside the fence and one outside (on the road) and this person cannot easily step out of the road when a vehicle comes.
 - b. When you pass someone going in the opposite direction it is polite for one person or group) to walk on the opposite side of the road. Many reasons but two important ones – to keep dogs apart incase they are unfriendly to each other and – to enable 6' social distancing when you are breathing out germs. If there is a fence then you can't easily cross the road when you see someone coming.
 - c. The road is currently used by pedestrians (with and without dogs), horses, bikes with adults and children on bikes and go-carts, radio flyer wagons going to picnic and catch crawdads in the creek and many other conveyances. The fence is going to force people to choose the walkway OR the road. It is much easier to do as we do now, and have done for decades, and that is just move over when a vehicle comes. This is not practical with a fence.

Molly Orkild-Larson

From: Amy Reuter [REDACTED]
Sent: Tuesday, January 17, 2023 3:05 PM
To: Molly Orkild-Larson
Cc: Jim Ferguson; christina Alexiades; Reid Wicoff; [REDACTED]
Subject: Re: PM22-006-Arcadia Creek Minor Subdivision - Referral Comment: Coventry HOA Comments
Attachments: cov.drain.map.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

Thank you for reaching out to Coventry for comment on the proposed development adjacent to our community. Please see the comments below and let us know if you have questions, I have cc'ed our other HOA board members here. Included as attachments are the drainage map and easement outline for reference.

Coventry is a 202 home HOA located to the northeast of the development and immediately adjacent to Christensen Lane.

Traffic Study:

Coventry HOA requests clarification and a copy of the full traffic study, based on 25 homes 108 trips per day appears exceedingly low considering it states it represents all traffic into and out of the neighborhood. The study provided used Senior Adult Housing - Single Family as the Land Code to come to the 108 trip estimate. The description of the community is as 55+, however, how would this be enforceable from a homeowner or resident perspective? We request a new traffic study without the 55+ consideration to more accurately estimate the traffic and make appropriate changes to ensure safety on Christensen Lane for drivers, surrounding homeowners, and pedestrians.

Utilities:

Currently, Christensen Lane has above ground power lines that supply power to more than 100 homes in Coventry. There are significantly higher rates of power outages already with these above ground lines, what is the plan from the developer to mitigate risk of damage to these lines as a result of increased traffic? Is there consideration to move these below ground during the road construction?

Drainage:

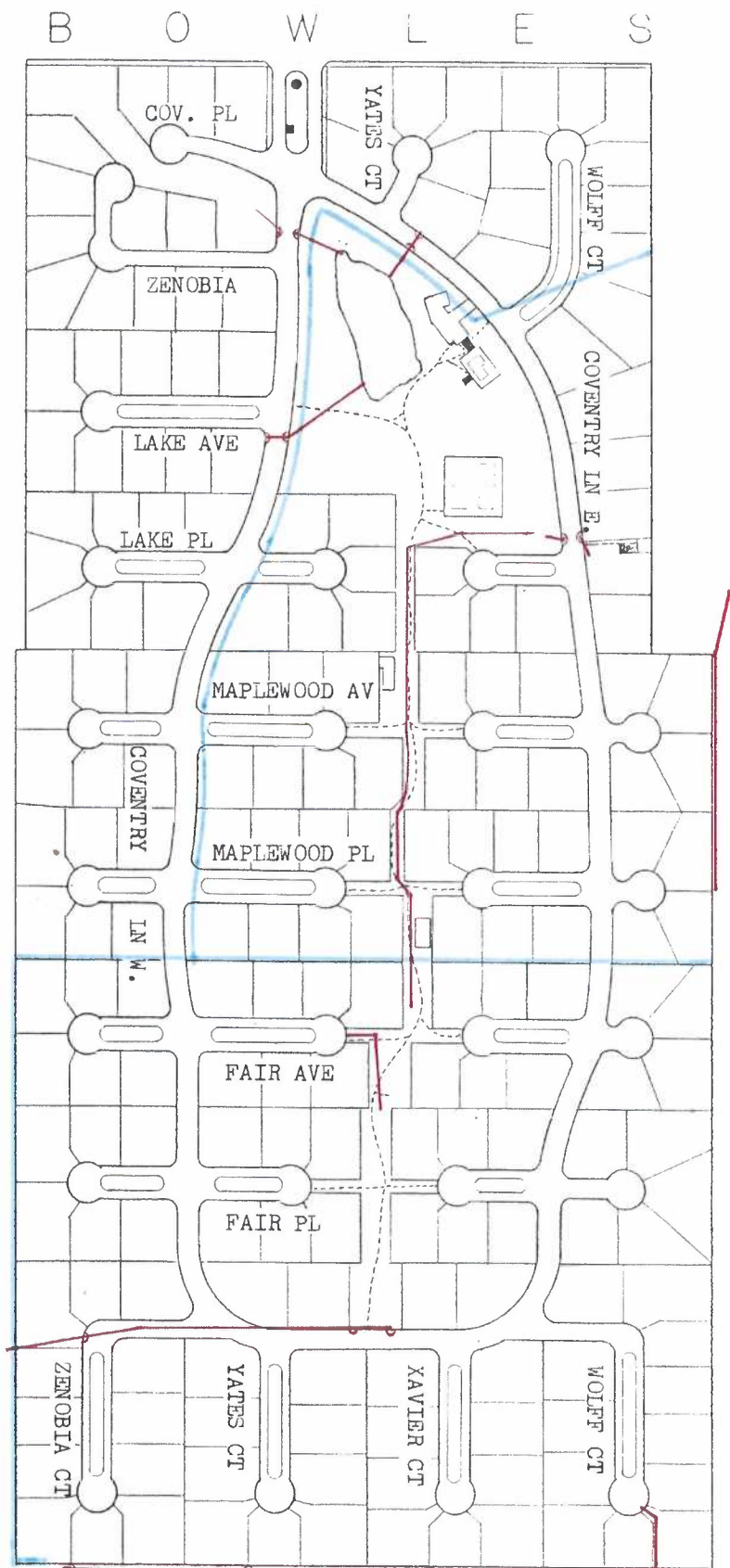
Coventry has maintained storm drains out of our community and on to Christensen Lane through easements granted in 1979. The Coventry HOA requests information on how the changes to Christensen Lane will affect or potentially impede the drainage in place today. In the materials provided, there is no mention of drainage from our community to Christensen Lane in the proposed changes. There is a significant impact to homes in our community should this drainage system be impeded. This includes not only the construction, but on-going road maintenance including snow removal due to very limited shoulders and proposed walkways. We request the developer engage a civil engineer to review the impact to drainage with the proposed changes to Christensen Lane and provide that information as part of the application and prior to a decision on the application. We request the county revisit the variance approved for this private road since the variance needs to consider the Coventry easements for the storm drains.

Thank you,
Amy Reuter
Coventry HOA

COVENTRY

THE BLUE LINE SHOWS THE
APPROXIMATE LOCATION OF
UNDERGROUND IRRIGATION
EASEMENT

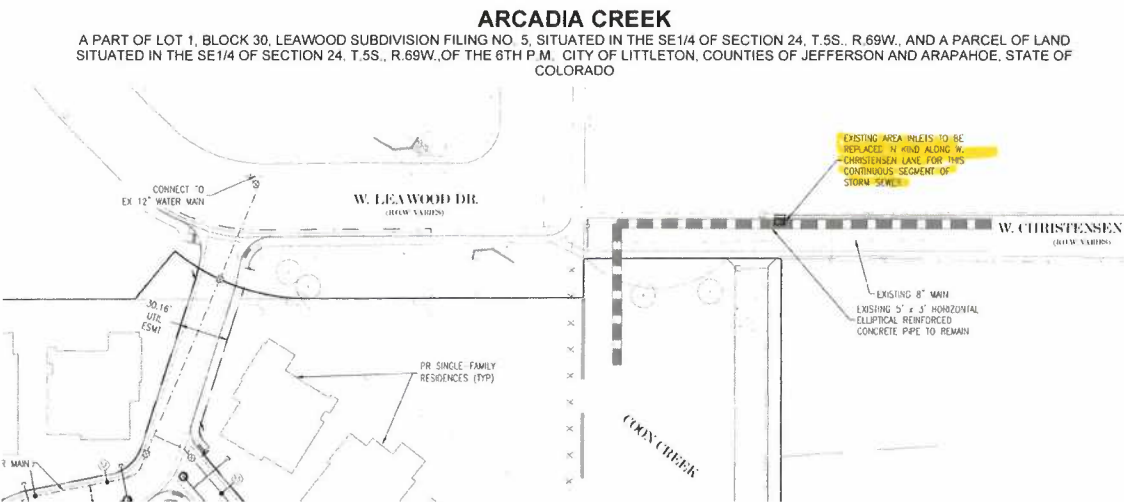
THE RED LINE SHOWS THE
LOCATION OF COVENTRY
STORM-DRAINS UNDERGROUND



From: Amy Reuter
To: Molly Oskild-Larson
Cc: Sarah Reuter, Chad Jensen, Robert Kohn, Lisa Zischewski
Re: PH12-006 Arcadia Creek Minor Subdivision - Referral Comment: Coventry HOA Comments
Date: Monday, January 22, 2023 8:12 AM
Attachments: [Screenshot_2023-01-22_08-12-01.png](#)

Molly,

Here is a screen shot from the Jefferson County application that is raising concern on our drainage comments.



Thank you,
Amy Reuter

On Jan 19, 2023, at 9:05 AM, Molly Oskild-Larson <MOskild-Larson@araphogov.com> wrote:

Amy,

Thank you for your comments. For how did your questions on to our case requires regarding to the, whether for the construction and drainage. Example, in you get back with Amy regarding her questions? I will need to discuss with Jefferson County how the development's size requirements will be enforced and not back with you.

Thanks,
Molly

<img001.png>

Molly Oskild-Larson, Principal Planner

City of Aurora

877-777-7777

Planning Department

From: Amy Reuter <amyreuter@gmail.com>

Sent: Tuesday, January 17, 2023 1:05 PM

To: Molly Oskild-Larson <MOskild-Larson@araphogov.com>

Cc: Jim Ferguson <jim.ferguson@gmail.com>; Christina Alexander <christinaalexander@gmail.com>; Reid Vico <reidvico@gmail.com>; tmc@araphogov.com

Subject: Re: PH12-006 Arcadia Creek Minor Subdivision - Referral Comment: Coventry HOA Comments

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Hi Molly,

Thank you for reaching out to Coventry for comment on the proposed development adjacent to our community. Please see the comments below and let us know if you have questions. I have cc'd our other HOA board members here. Included as attachments are the drainage map and easement outline for reference.

Coventry is a 202 home HOA located to the northeast of the development and immediately adjacent to Christensen Lane.

Traffic Study

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Utilities

Currently, Christensen Lane has above ground power lines that supply power to more than 100 homes in Coventry. There are significantly higher rates of power outages already with these above ground lines, what is the plan from the developer to mitigate risk of damage to these lines as a result of increased traffic? Is there consideration to move these below ground during the road construction?

Drainage

Coventry has maintained storm drains out of our community and on to Christensen Lane through easements granted in 1979. The Coventry HOA requests information on how the changes to Christensen Lane will affect or potentially impede the drainage in place today. In the materials provided, there is no mention of drainage from our community to Christensen Lane in the proposed changes. There is a significant impact to homes in our community should this drainage system be impeded. This includes not only the construction, but ongoing road maintenance including snow removal due to very limited shoulders and proposed walkways. We request the developer engage a civil engineer to review the impact to drainage with the proposed changes to Christensen Lane and provide that information as part of the application and prior to a decision on the application. We request the county revisit the variance approved for this private road since the variance needs to consider the Coventry easements for the storm drains.

Thank you,
Amy Reuter
Coventry HOA

January 9, 2023

Molly Orkild-Larson, Principal Planner
Arapahoe County Public Works and Development – Planning Division
6924 S Lima Street
Centennial, CO 80112

RE: Arcadia Creek PM22-006

Dear Ms.Orkild-Larson,

My name is John Dettmer, my wife and I live at 4910 Christensen Lane and have lived here for almost 35 years. I am writing this to express my concerns with the Minor Subdivision Plan (Plan) filed by Arcadia Creek (PM22-006).

Access: While the Plan proposes to add one additional home in Arapahoe County it also proposes to add 23 new homes in Jefferson County and proposes that all 24 new homes would have access from the east on Christensen Lane even though the 23 homes in Jefferson County have access onto Leawood Drive. We live in the first house to the east of the proposed development on Christensen Lane. This portion of Christensen Lane is effectively a shared driveway currently used by three homes, it is also used by numerous pedestrians, horseback riders, and bicycle traffic and is not designed to handle the proposed vehicle traffic. Our driveway as well as our garage face Christensen Lane and any changes to Christensen Lane would adversely affect our ability to access our driveway and use our garage. I have attached photos showing the proximity of our garage and drive to Christensen Lane.

The applicant has stated that they have applied for road design variances from Arapahoe County's Technical Review Committee. We do not believe that the applicant can apply for a variance for Christensen Lane when they do not own the lane and have not received any agreement from us or the other three users of this portion of the lane. Having access to the lane does not entitle the applicant to make changes to the lane. As I previously stated, the changes that are being proposed by the applicant in the variance request will adversely affect us and our ability to use our garage and driveway.

The applicant has stated that the Arcadia Creek development will have access both from Christensen Lane and Leawood Drive with gates at each entrance. There is no guarantee that these gates will stay in place permanently and as we have all experienced, over time there will be many non-residents that will acquire the code as well as an unknown number so commercial vehicles that will have the code. This will result in this development becoming a cut through for anyone that has the code to get from Leawood to Platte Canyon Road. This is an unacceptable situation which adversely affects numerous Arapahoe County Residents, and we believe that this is the opportunity for Arapahoe County to ensure that this does not happen.

Safety: The portion of Christensen Lane in front of our property gets a lot of non-vehicle traffic including bicycles, pedestrians, and horseback riders. We think that allowing 23 Jefferson County homes to use this portion of the lane with vehicle traffic presents too much risk of accident and injury. It also would make the ingress and egress from our property much more difficult and dangerous.

Action Requested: We believe that allowing 23 new homes in Jefferson County to use Christensen Lane for ingress and egress when they have an acceptable point of ingress and egress through Leawood will be to the detriment of many Arapahoe County residents including ourselves and will create an unsafe situation on Christensen Lane. Approval of this Plan will also result in the loss of market value for our property as well as the other existing homes on Christensen Lane. Christensen Lane is a private road and we do not believe that one user should be able to make changes solely for their benefit without the concurrence of the other users of the lane.

We also believe that allowing ingress and egress to both Leawood Drive and Christensen Lane will ultimately result in this becoming a traffic thoroughfare for Leawood residents as well as numerous commercial vehicles such as UPS, Amazon, and others

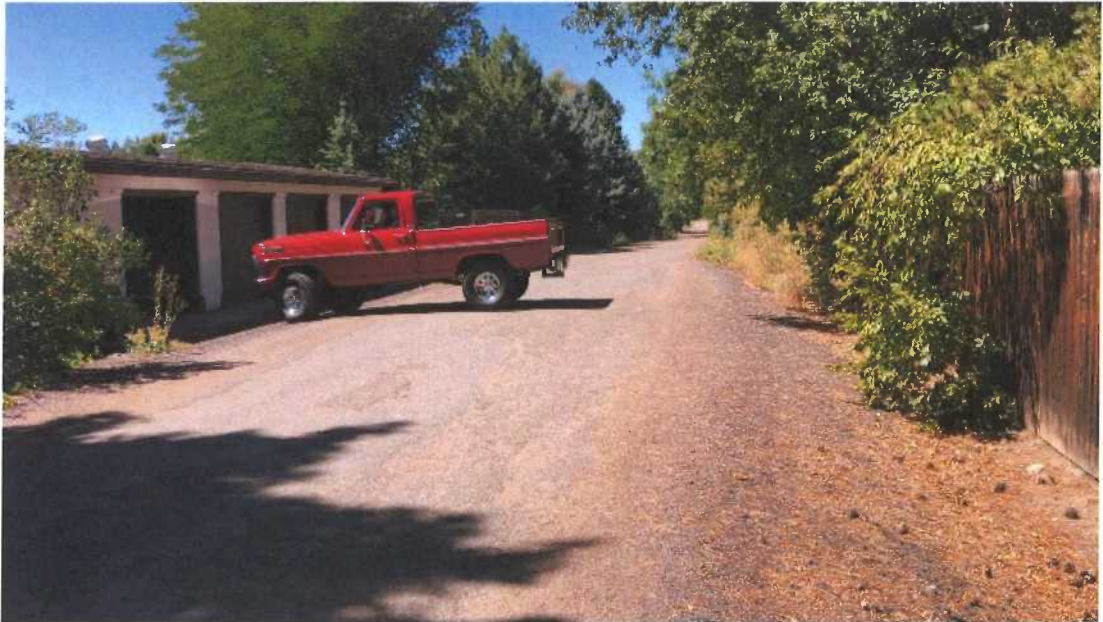
We do not believe that the Plan as submitted is supported by any of our Arapahoe County neighbors. We respectfully request that Arapahoe County deny the Plan presented by the applicant as it relates to the use of Christensen Lane by the homes in Jefferson County

Respectfully,

John Dettmer

John & Valerie Dettmer









Jesse Donovan

From: Tiffany Clark <tclark@semswa.org> on behalf of Tiffany Clark
Sent: Sunday, June 12, 2022 9:58 AM
To: Jesse Donovan
Cc: Chuck Haskins; Joseph Boateng
Subject: RE: Arcadia Creek - Private Drive Crossing Over Coon Creek

Jesse,

Sorry for the delay. See responses in red below. Please let me know if you have any other questions.

Respectfully,
Tiffany Clark, PE, CFM

Land Development Engineering Manager
Southeast Metro Stormwater Authority
7437 South Fairplay Street
Centennial, CO 80112
(303) 858-8844
tclark@semswa.org

SEMSWA is Hiring! We have immediate openings for two full-time engineering positions:

- **Land Development Engineer**
- **Floodplain/Master Planning Engineer.**

For job descriptions and more information on this exciting opportunity to join the SEMSWA team, please visit our website at:

<https://www.semswa.org/about-semswa/career-opportunities/>

From: Jesse Donovan
Sent: Friday, May 27, 2022 10:06 AM
To: Tiffany Clark <tclark@semswa.org>
Cc: David Tschetter; palisadehomes; Barnabas Kane
Aaron Cvar; Charlie Keener
Edgar Robles; Bryan Kohlenberg; Brik Zivkovich
Will Barkman
Subject: RE: Arcadia Creek - Private Drive Crossing Over Coon Creek

Tiffany,

We wanted to touch base with you on the private crossing over Coon Creek AT THE Arcadia Creek development, as we are currently well into site design. The design of the culvert crossing is now the critical path on this project, so we really need an answer from SEMSWA on the questions below. To reiterate:

- Mile High Flood District has reviewed our request for a 10-year crossing and found it acceptable with certain conditions. They stated that SEMSWA is the final authority on this question, so we need a formal response from SEMSWA. (See letter attached). SEMSWA believes a 10-yr crossing complies with the recommendation within the Phase B Preliminary Design Report for Dutch Creek, Coon Creek, Lilley Gulch and Three Lakes Tributary Major Drainageway Planning study and agrees with MHFDs recommendation. Based on these

recommendations, SEMSWA believes it also complies with Arapahoe County TRC variances response dated March 16, 2020.

- The stream crossing at the private access/Coon Creek should be updated if this private access is being upgraded pursuant to the Phase B Preliminary Design Report for Dutch Creek, Coon Creek, Lilley Gulch and Three Lakes Tributary. The Mile High Flood District (MHFD) makes the recommendation to the design of this stream crossing.
- South Metro Fire Rescue has agreed to not require guardrails at the crossing with certain conditions. Please confirm that SEMSWA will not require guardrails based on this memo. (See letter attached). Fences (railings) are not permitted within the floodplain. However, the Arapahoe County Stormwater Management Manual (SMM) states that conduit headwalls and wingwalls shall be provided with guardrails, handrails, or fencing in conformance with local building codes and roadway design safety requirements (Section 10.1.2 of the Arapahoe County SMM). You will need to comply with other codes or design the culvert as necessary to not have railings. SEMSWA does not have the final say on railing requirements other than then the SMM does not permit them to be within the floodplain.

We look forward to a formal response from SEMSWA on these items so we can continue with the design of this project. Thanks, and have a great holiday weekend!

Jesse Donovan, P.E. CO, TX, GA | Principal
Brightlighter Engineering LLC

Molly Orkild-Larson

From: Mike Dover
Sent: Wednesday, January 11, 2023 2:19 PM
To: Molly Orkild-Larson
Subject: Community Response to Case #Record PM22-006

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Molly,

Thank you for soliciting our input on the Arcadia Creek Minor Subdivision submission. My family and I live at 5076 Christensen Drive in the Fox Hollow community. While the HOA has submitted a formal response, it was necessary to reach out in regards to the significant impact to our property. As a member of the community, my ask is that the County of Arapahoe take the appropriate steps to review and react in the best interest of the residents.

Based on the available documents submitted for Arcadia Creek Minor, I have concerns in 3 areas

- 1.
- 2.
3. Site Distance Triangle Definition and Impact – in reference to 1-PM22-006-CDs, the proposed drawing reference
4. site triangle encroaches our current property. Additionally, to impacting personal property, the proposal impacts 7 established trees, existing fence, and landscaping lighting. Through the documents available, there are inconsistent definitions to the site
5. triangle. Document 1-PM22-006-Plan%20Set references site triangle 30X30 and the impact to reduce any existing fence/trees to a max of 3 feet. The impact is real and significant to our existing property.
- 6.
- 7.
- 8.
9. Landscape Maintenance – as referenced in 1-PM22-006-Plan%20Set – the current expectation of maintenance of the
10. lane falls to the residents. The proposed change by the developer of the lane and then shifting responsibility for our communities to maintain based on their changes.
- 11.
- 12.
- 13.
14. Existing lane and safety of our community – the available width does not meet the requirements for the proposed
15. changes.
- 16.

Thank you in advance for your attention to the matter
Mike Dover

From: [Adrienne Drollinger](#)
To: [Molly Orkild-Larson](#)
Subject: Preservation of Christensen Lane
Date: Thursday, September 21, 2023 6:57:34 PM

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Ms. Orkild-Larson,

My husband and I live in the Columbine Lakes subdivision off S. Platte Canyon Road at 6126 S. Ponds Way in unincorporated Arapahoe County. We are opposed to new motor vehicle access use by the 23 new homes in the Jefferson County section of Arcadia Creek on S. Platte Canyon Road. These homes already have direct access to both Leawood Drive and S. Platte Canyon Road.

The proposed access to Christensen Lane would change the nature of our neighborhood and remove an asset for the local residents. We use Christensen Lane to walk and bike on, and several of our neighbors walk their families with strollers on this lane as well.

Why would we change this quiet walkway when the new residents already have exit points from their subdivision? While growth and infill will continue as Denver and Littleton grow, there is no need to destroy local assets and quiet places with more traffic.

Please inform the Arapahoe County Planning Commission about our opposition to this proposed access by the Arcadia Creek residents.

Adrienne and John Drollinger

From: [Jody Gilbert](#)
To: [Molly Orkild-Larson](#)
Cc: [Jody Gilbert](#)
Subject: Concerns about Christensen Lane Access by Arcadia Creek Development
Date: Tuesday, September 26, 2023 8:36:35 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms Orkild-Larson,

I live at 6381 S Zenobia Court in Littleton in Coventry. I am writing to you to oppose new motor vehicle access use of Christensen Lane by the proposed 23 new homes in the Jefferson County section of Arcadia Creek Development.

These properties already have a direct paved route onto Leawood Drive in Jefferson County. The proposed access would dramatically increase traffic on Christensen Lane in Arapahoe County. The transformation of this walkable/bikeable, narrow lane into an auto-centric road will negatively impact the safety and wellbeing of my family and my neighbors in both counties.

My family uses Christensen Lane daily. Our 2nd and 4th grade children ride their bikes to and from Wilder Elementary every school day. We walk our dog along the lane daily and walk/bike to my parents' home in Columbine Valley, instead of driving along an already busy Bowles.

I care deeply about not allowing the proposed 23 homes in Jefferson Country to use Christensen Lane. My family and our neighbors safely would be directly impacted. The lane is too narrow to safely accommodate walkers, bikers and increased car and truck traffic. It would no longer be a safe route for our children and Bowles is not an option to get to Wilder Elementary from our home as Bowles is too busy.

It would be no benefit to Arapahoe County to bring increased traffic and road wear out of Jefferson County and onto our streets. Please inform the Arapahoe County Commission of my concerns and opposition.

Sincerely,

Jody Fong

From: [Jody Gilbert](#)
To: [Molly Orkild-Larson](#)
Cc: [Jody Fong](#)
Subject: Re: Concerns about Christensen Lane Access by Arcadia Creek Development
Date: Monday, October 9, 2023 10:00:28 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms Orkild--Larson,

I am hoping you can include the pictures attached to this email in the staff report for Arcadia Creek's Development's request to access Christensen Lane. As you can see from the pictures I took over the past few days, there is barely room for one car to get by, much less increased two-way traffic. Our children ride their bikes to/from school daily and many pedestrians of all ages use the Lane as well.

Thank you for your consideration.

Best
Jody Fong

On Tue, Sep 26, 2023 at 11:51 AM Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com> wrote:

Jody:

Thank you for your email expressing your concerns. I will attach you email to the staff report which the Planning Commission and Board County Commissioners will review and take into consideration.



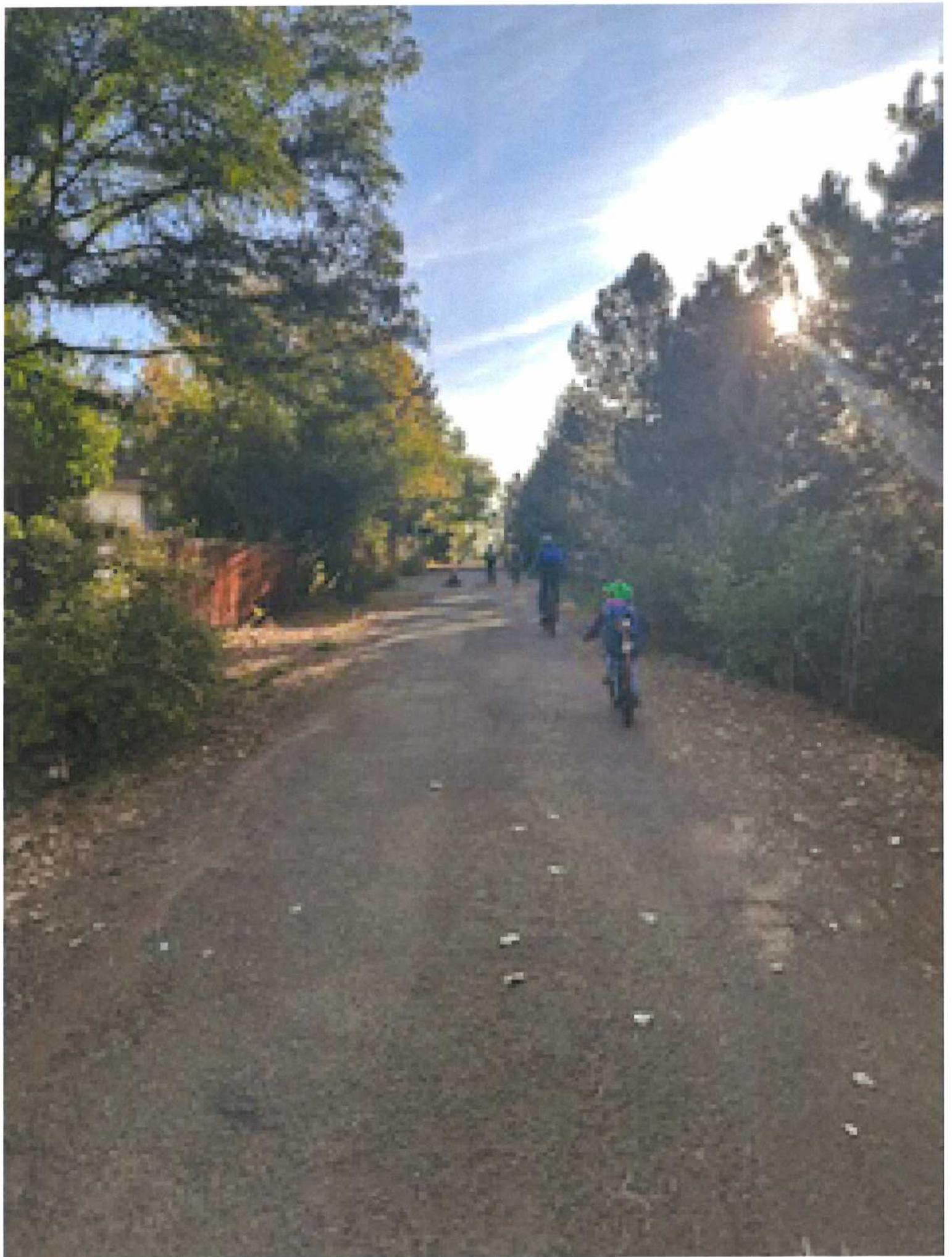
Molly Orkild-Larson, RLA, AICP

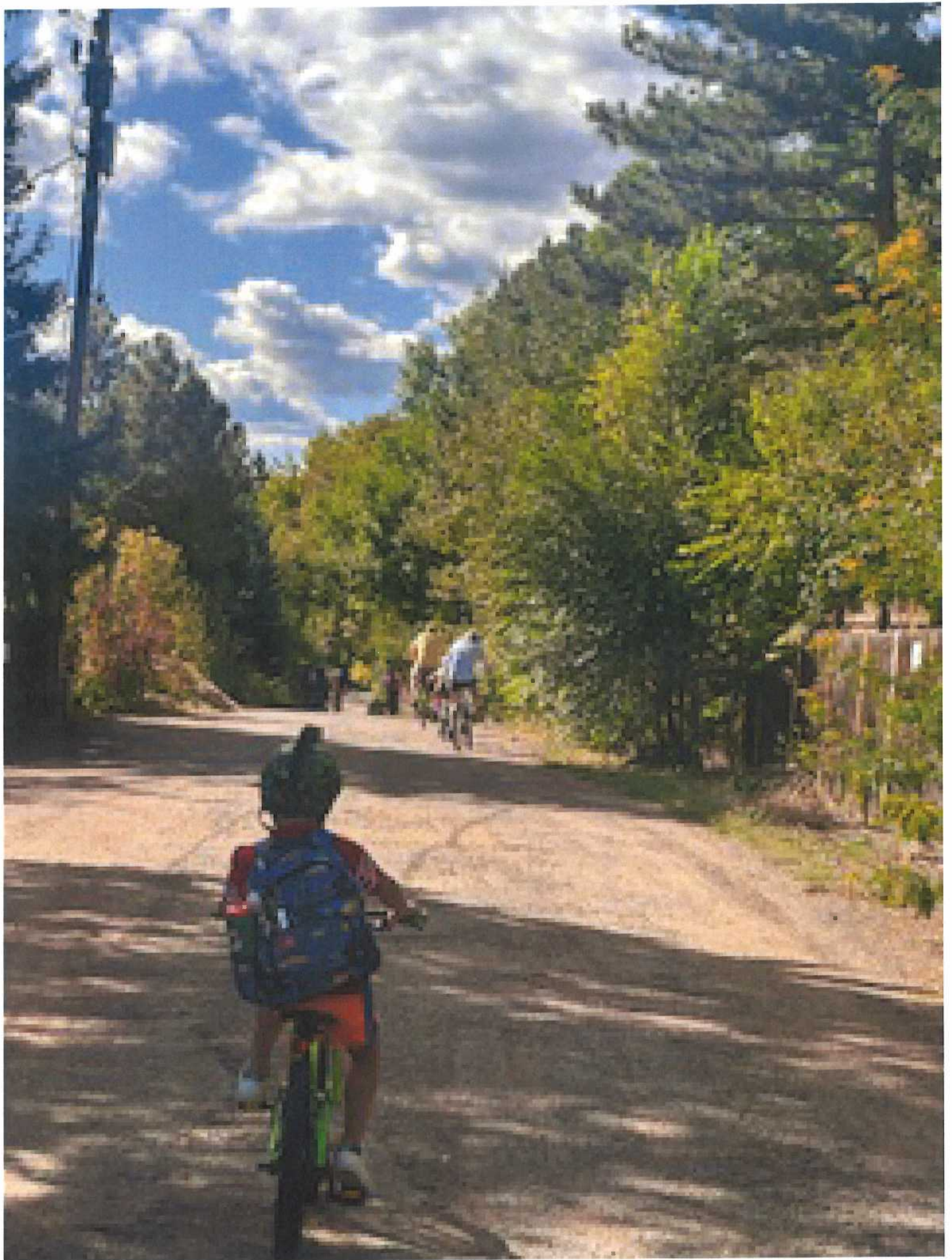
Principal Planner

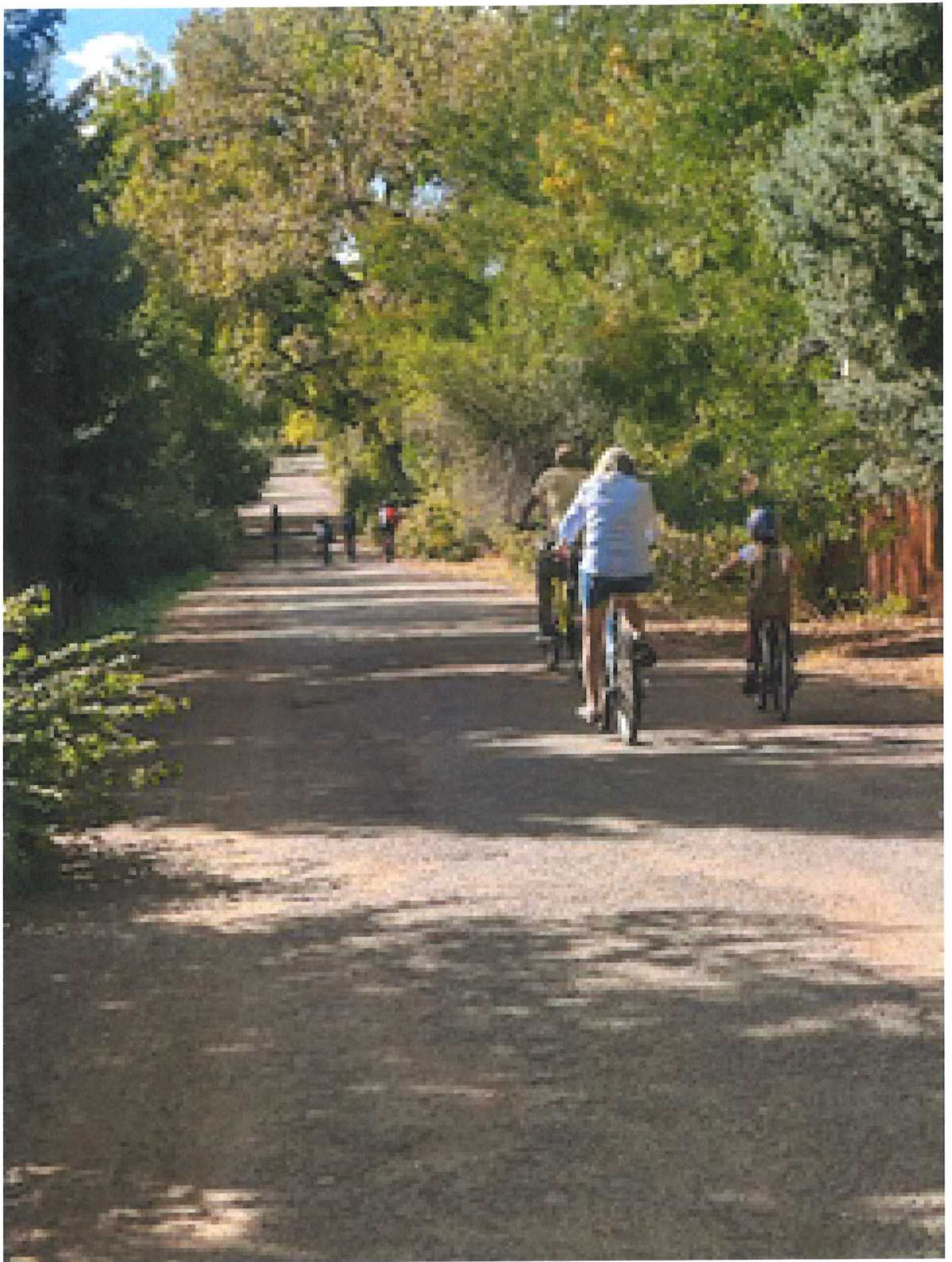
Public Works and Development

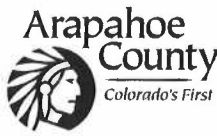
Planning Division











Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

Planning Division

Referral Routing

Case Number/Name: PM22-006 Arcadia Creek Subdivision
Planner: Molly Orkild-Larson – morkild-larson@arapahoegov.com
Engineer: Joseph Boateng - jboateng@arapahoegov.com
Date sent: December 15, 2022
Date to be returned: January 12, 2023

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input type="checkbox"/>	We Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/>	We Have the following comments to make related to the case: <i>Please see attached PDF.</i>	FOX HOLLOW ESTATES HOMEOWNERS ASSOCIATION, ARAPAHOE COUNTY, COLORADO JANUARY 12, 2023

Comments: (responding by email, letter, or an email attachment is optional)

Respectfully submitted, January 12, 2023

Fox Hollow HOA

foxhollowhoa@hotmail.com

Re: PM22-006 - Arcadia Creek Minor Subdivision

On behalf of the Fox Hollow Estates Homeowners Association (33 homes):

Thank you for soliciting our input on the Arcadia Creek Minor Subdivision submission.

The Fox Hollow neighborhood (HOA) is located east of the proposed Arcadia development in Arapahoe County and bordered to the north by Christensen Lane, which is one of two proposed access routes to the proposed Arcadia Creek development. Fox Hollow is one of several neighborhoods that stand to be negatively impacted by the development, as currently represented in the ODP submitted to Jefferson County.

Our primary objection to this development is related to safety along the section of Christensen Lane from the County boundary to the entrance of the Fox Hollow neighborhood (see attached map). For the reasons outlined below, we respectfully request that Arapahoe County revisit the proposed roadway variance and, ultimately, deny the request for a Minor Subdivision that utilizes Christensen Lane for more than emergency access.

While Christensen Lane is seemingly a small corridor in a large county, it has great significance to the surrounding neighborhoods in Arapahoe County, Jefferson County, and Littleton. For over 25 years, Christensen Lane has served as the only safe pedestrian and bike route that connects Leawood, and surrounding neighborhoods, to the Platte Canyon trail system. The alternative is the sidewalk on Bowles Avenue which adds distance and is quite treacherous given its narrow width, close proximity to traffic, and snow and ice that doesn't melt. Christensen Lane is used daily, year-round, by hundreds of pedestrians, cyclists, and even the occasional equestrian. In addition, children in Fox Hollow, Coventry, Columbine Heights, and other surrounding neighborhoods use the Lane to walk or ride to Wilder Elementary School and their LPS bus stops. Given these established usage patterns, we have many safety concerns.

The westernmost segment we are focused on is a single rural travel lane with a crushed asphalt surface that provides access to three homesites. The width of the lane, fence-to-fence, varies from just less than 28 feet to 30 feet (as shown on the attached map) and is further constrained by several large trees and much vegetation. In the winter, it is common for snowbanks along the fences to persist for several weeks.

Arapahoe County Roadway Design Standards require a 30-foot minimum width for private roads as well as a seven-foot sidewalk. Since the Lane narrows to less than 28-feet, fence to fence (ignoring the ~8' strip to the north dedicated to drainage and 75-year-old cottonwood trees), the developer was required to apply for a variance to the County's standards. It is also worth noting that one of the primary stated objectives in the County's roadway design criteria is "Safety – for vehicular, pedestrian and bicycle traffic."

It is our understanding that the Arapahoe County TRC initially approved the roadway variance submitted for Christensen Lane. Based on case documents available on the County's website, it appears that what was presented to the TRC (and at the public meeting) is quite different from the latest proposed design drawings. Specifically, the plans provided to the TRC and the public show a 30-foot wide cross section with a five-foot pedestrian walk separated by bollards, while the latest design drawings show several segments with a three-foot walk and no bollards. These discrepancies help illustrate how there

isn't a simple engineering solution that will safely allow the current pedestrian and bike traffic to use the corridor with an increase in vehicle traffic. It seems as though the decision to approve the variance was based on a few strategically selected cross sections (and other misleading information) and did not sufficiently consider the potential impacts to the pedestrians and cyclists who use the Lane every day.

After reviewing the design drawings for the proposed Lane modifications, we feel they do not adequately address pedestrian and cyclist safety for the following reasons:

- An at-grade, three-foot wide pedestrian walk will simply not offer enough protection from the proposed increase in vehicle traffic.
- Dust, noise, and vehicle exhaust pollution is a big concern. When a car, garbage, recycling, or delivery truck drives by, the fumes and dust generated can be unbearable as they linger along this fence and tree-lined lane. Adding 24 incremental homes with all their related services and deliveries will eliminate the enjoyment and safety of walking that section of the lane.
- The traffic study did not take into account the exponential increase in delivery vehicle traffic that an over-55 community will generate. This is a big concern already along the Lane and in Fox Hollow.
- The proposed roadway design will encourage speeding. The developer has indicated many times that narrow travel lanes will reduce speeds. While narrow travel lanes work well to reduce speed when there are physical barriers present (like raised sidewalks/curbs and on-street parking), the proposed design is effectively a single, 20-foot wide paved travel lane (as opposed to the current narrow, gravel lane). It is not realistic to assume a stripe down the middle of a paved road will discourage people from driving as fast as physically possible - especially delivery drivers and vendors. Given the established pedestrian and bike traffic on the Lane, this is a recipe for disaster.
- The design fails to consider pedestrian safety in the winter months. Speaking from experience, the proposed pedestrian walk on the south side of the lane will invariably be covered in snow and ice for most of the winter months as it receives very little sun. Consequently, pedestrians and dog-walkers will be forced to walk in the travel lanes which greatly increases the risk of vehicle-pedestrian incidents. Furthermore, when we have big snowfall events, there will be no place to put the snow as it's cleared from the Lane. As is the case now, this will essentially result in a single, narrow travel lane, which will not be able to safely convey the proposed traffic volumes (see attached map).

As the developer has stated many times, Arcadia Creek has legal (albeit circuitous) access to its 23 proposed lots in Jeffco via Christensen Lane but doesn't own the lane. Legal access does not make the proposed access conditions practical or the right thing to do. The proposed lane modifications will solely benefit 25 homes in a gated neighborhood while hundreds of households in the surrounding communities will lose safe bike and pedestrian access to Wilder Elementary School and the Platte Canyon trail system.

To add some historical context, great expense and effort (instead of variances) were executed to widen and improve the eastern portion of the lane when Fox Hollow was built 28 years ago. Just because replicating those requirements is not possible to the west (and were never anticipated) does not alleviate or eliminate these minimum requirements.

Fox Hollow residents took to heart, perhaps naively, that Arapahoe County's verbal statement 25 years ago that, 'Arapahoe County would never allow a Jeffco development to access Christensen Lane' ring

loud. What was so obvious for so many years still seems logical in our view. All the legal agreements that were put in place were done with fixed single homesites locked in, as far as access to the lane is concerned.

We encourage everyone from Arapahoe County who is involved in this project to visit Christensen Lane to get a better understanding of its current function as well as the physical constraints that will undoubtedly create dangerous conditions with the addition of more vehicle traffic. While there, please look closely at the first two original homes just west of the Fox Hollow Monument, where three (soon four) young children live, and assess the incremental impact on these two families and homesites.

After seeing the Lane, it becomes quite clear that it was never intended to be anything more than a driveway – effectively a long “flag lot”. It is also clear that the proposed modifications to Christensen Lane are nothing more than a developer's attempt to force-fit a property access solution that will add value to his Jeffco homesites – all at the expense of Arapahoe County and surrounding residents’ safety, ambience, property values and desirability.

For the reasons stated above, we are respectfully asking Arapahoe County to give the proposed use of Christensen Lane the attention and consideration it deserves and deny Arcadia Creek LLC's request for a Minor Subdivision that utilizes Christensen Lane for more than emergency access. You have an opportunity and responsibility to once and for all preserve one of the most-valued pedestrian and bike corridors in the county and help ensure the continued safety of **all** who use the Lane.

Sincerely,

Fox Hollow HOA Board Members
Wilson Wheeler
Mike Dover
Tracy Murphy

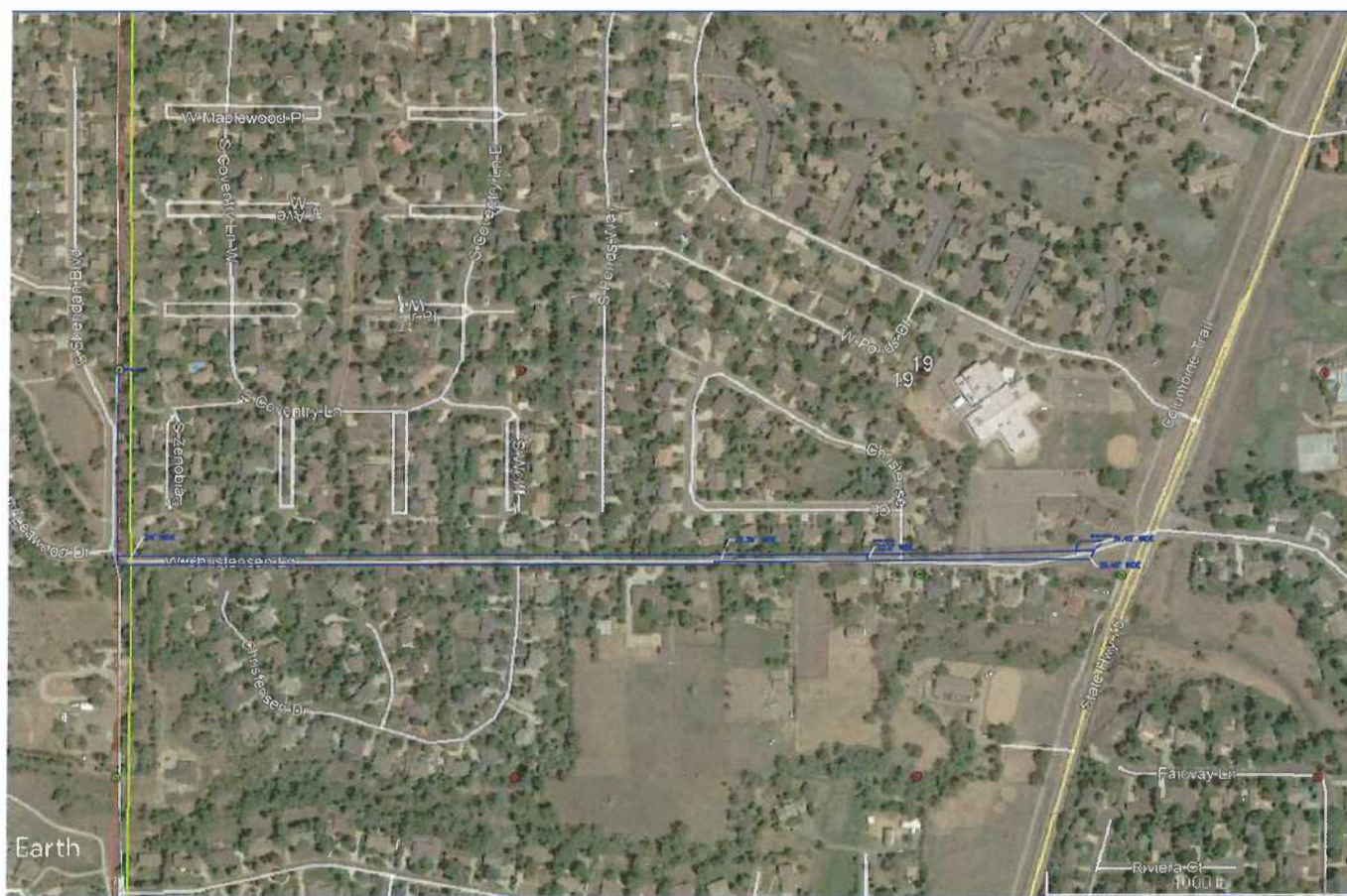


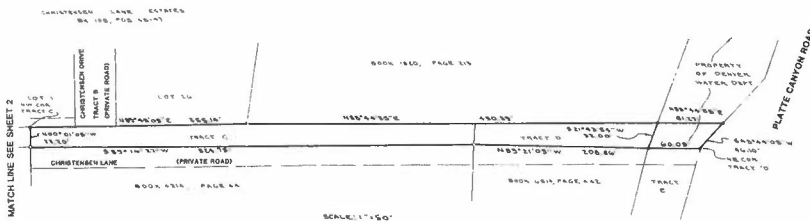
The included GIS overlay aligns well with the attached JR Engineering document. Both are based on the Settlement Agreement legal description, not a Monumented Survey as noted at the bottom of the last page from JR Engineering. The fence-to-fence measurements have been verified with a tape measure. That is to say, the fences in question seem to be positioned correctly per plat boundaries.

From the attached JR Engineering drawings on page 2, starting at the west end of Christensen Lane (at the yellow emergency gate) and heading east, you'll notice these lane widths:

- **28.23'** at the yellow gate
- **27.9'** at the NW corner of the 5076 W Christensen Lane fence
- **30.8'** at the west end of the 4910 W Christensen Lane 4-bay garage
- **31.6'** at the east end of the 4910 W Christensen Lane property
- **30.5'** at the east end of the Coventry neighborhood
- **30.8'** at the east end of the Three Ponds neighborhood
- **32.4' drops to 22.4'** on the NW corner of the 4520 W Christensen Lane property as that property and the 4420 W Christensen Lane property protrude 10' north into the lane.
- **22.0'** at the east end of the 4420 Christensen Lane property

(Do not confuse these property/lane boundaries with the 30' Denver Water easement shown on many drawings.)





Leona M. Belton 3-19-93
LEWIS H. NEILS, REGISTERED LAND SURVEYOR
COLORADO NO. 24329
FOR AND ON BEHALF OF JP ENGINEERING, LTD.

NOTE: THIS DRAWING DOES NOT REPRESENT A PROFESSIONAL SURVEY
AND IS ONLY INTENDED TO EXPLICIT THE ATTACHED LEGAL
DESCRIPTION.

[illegible]



NOTE THIS DRAWING DOES NOT REPRESENT A COMPLETED SURVEY
AND IS ONLY INTENDED TO EFFECT THE ATTACHED LEGAL
DESCRIPTION.

FILED IN THE
DISTRICT COURT
ARAPAHOE COUNTY, COLO.

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Case No. 92 CV 2564, Division 3

ORDER FOR ENTRY OF FINAL JUDGMENT

JEFFERSON BANK & TRUST, a Colorado banking corporation, and LAGUNA HOME BUILDERS, INC., a California corporation,

Plaintiffs,

vs.

ROBERT RUSSELL, et al.,

Defendants.

This Court having reviewed the various stipulations entered into by the parties, the prior orders of this Court, the disclaimers executed by several defendants, its file and being fully advised in the premises, does hereby enter final judgment as to the plaintiffs, Jefferson Bank & Trust and Laguna Home Builders, Inc., and all of the defendants, Robert Russell, Victor Christensen, Edward V. Bowles, Charles W. Bowles, Walter A. Bowles, William O. Wieder, Katherine W. Wieder, First Interstate Bank of Englewood, N.A., Directors Mortgage Loan Corporation, Jon Labreche, Marilyn Fuller McGee, Union Federal Savings Bank of Indianapolis, Central Bank Southeast, N.A., William G. Pendleton, Hannah L. Pendleton, Western Federal Savings and Loan Association of Denver, Bank Western Federal Savings Bank, George G. Lange, Mildred F. Lange, Affiliated National Bank--Littleton, Countrywide Funding Corporation, Edmund Alan Pendleton, John Dettmer, Valerie Dettmer, Edmund Pendleton, Ed Pendleton, Beverly Pendleton, Colorado National Bank--Northeast, First Interstate Bank of Golden, N.A., Eagle Exploration Company, Beverly C. Pendleton, Dallas L. Christenson, Mary Jo Christenson, Knutson Mortgage Corporation, Steven J. Koets, Ann M. Koets, First Concord Mortgage Corporation, Craig D. Slater, Colleen M. Slater, Ecumenical Ministries, Inc., Central Bank of Chatfield, Irma N. Christensen, Christensen Lane Estates Partnership, Christensen Lane Estates Homeowners Association, and all unknown persons who claim any interest in the subject matter of this action, as follows:

1. The plaintiff, Jefferson Bank & Trust, owns a 14-acre parcel in Arapahoe County that fronts on West Christensen Lane and that is commonly known as 4960 West Christensen Lane. It is referred to hereinafter as the "Jefferson Bank Parcel." Its legal description is:

(R/A)

PARCEL A

A PARCEL OF LAND LOCATED IN THE N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST, OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, WHICH IS 125.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$; THENCE NORTH 89 DEGREES 40 MINUTES 21 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID NORTH $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, A DISTANCE OF 815.0 FEET; THENCE N 0 DEGREES 28 MINUTES 55 SECONDS W, A DISTANCE OF 552.44 FEET; THENCE N 34 DEGREES 45 MINUTES 43 SECONDS E, A DISTANCE OF 35.7 FEET THENCE N 0 DEGREES 18 MINUTES 17 SECONDS W, A DISTANCE OF 35.0 FEET; THENCE S 89 DEGREES 41 MINUTES 43 SECONDS W, A DISTANCE OF 90.0 FEET; THENCE N 0 DEGREES 18 MINUTES 17 SECONDS WEST, A DISTANCE OF 37.0 FEET; THENCE S 89 DEGREES 41 MINUTES 43 SECONDS W, A DISTANCE OF 750.16 FEET TO A POINT 120.0 FEET EAST OF THE WEST LINE OF SAID N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$; THENCE S 0 DEGREES 40 MINUTES 56 SECONDS E, A DISTANCE OF 683.74 FEET, MORE OR LESS TO THE POINT OF BEGINNING, COUNTY OF ARAPAHOE, STATE OF COLORADO.

PARCEL B

A PARCEL OF LAND IN THE N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST, IN ARAPAHOE COUNTY, COLORADO, THENCE N 89 DEGREES 40 MINUTES 21 SECONDS E, ALONG THE SOUTHERLY LINE OF SAID N $\frac{1}{2}$ OF THE SW $\frac{1}{4}$, 940 FEET TO THE TRUE POINT OF BEGINNING, THENCE N 0 DEGREES 28 MINUTES 55 SECONDS W, 552.44 FEET, THENCE N 34 DEGREES 45 MINUTES 43 SECONDS E, 17.05 FEET, THENCE N 89 DEGREES 41 MINUTES 43 SECONDS E, 82.31 FEET; THENCE S 8 DEGREES 28 MINUTES 55 SECONDS E, 566.10 FEET, THENCE S 89 DEGREES 40 MINUTES 21 SECONDS W, 94 FEET TO THE TRUE POINT OF BEGINNING, TOGETHER WITH AN EASEMENT OVER TRACT A AS SET FORTH IN THAT CERTAIN AGREEMENT DATED MAY 6, 1980 AND RECORDED MAY 23, 1980 IN BOOK 3221 AT PAGE 175, COUNTY OF ARAPAHOE, STATE OF COLORADO.

2. This Court has jurisdiction of this action inasmuch as the plaintiff's Complaint seeks to establish rights of ingress and egress across property, namely West Christensen Lane, located in the County of Arapahoe, State of Colorado.

3. Venue is proper in that West Christensen Lane is located in the County of Arapahoe, State of Colorado.

4. The legal description of West Christensen Lane is:

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, BEING MONUMENTED AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19 BY A 2" IRON PIPE AND AT THE SOUTHWEST CORNER OF SAID SECTION 19 BY A NO. 3 REBAR WITH A LINE BETWEEN ASSUMED TO BEAR S00°01'28"W.

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19, THENCE S00°01'28"W AND ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 612.82 FEET TO THE SOUTHWEST CORNER OF THE BOUNDARY OF COVENTRY AMENDED PLAT, RECORDED IN PLAT BOOK 26 AT PAGES 19-22, SAID SOUTHWEST CORNER BEING THE POINT OF BEGINNING; THENCE N89°46'37"E AND ALONG THE SOUTH BOUNDARY LINE OF COVENTRY AMENDED PLAT, A DISTANCE OF 1,434.50 FEET TO THE SOUTHEAST CORNER OF COVENTRY AMENDED PLAT; THENCE S00°00'00"E AND ALONG THE WEST LINE OF THREE PONDS SUBDIVISION, RECORDED IN PLAT BOOK 23 AT PAGE 97, A DISTANCE OF 2.19 FEET TO THE SOUTHWEST CORNER OF THE BOUNDARY OF THREE PONDS SUBDIVISION; THENCE N89°54'25"E AND ALONG THE SOUTH BOUNDARY OF THREE PONDS SUBDIVISION, A DISTANCE OF 257.97 FEET TO THE SOUTHWEST CORNER OF CHRISTENSEN LANE ESTATES, RECORDED IN PLAT BOOK 105 AT PAGES 45-47; THENCE N89°45'09"E AND ALONG THE SOUTH BOUNDARY OF CHRISTENSEN LANE ESTATES, A DISTANCE OF 767.05 FEET TO THE NORTHWEST CORNER OF TRACT "C", CHRISTENSEN LANE ESTATES (PRIVATE ROAD); THENCE S00°01'05"E AND ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 22.20 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 6315 AT PAGE 188; THENCE S89°43'49"W AND ALONG THE NORTH DEED LINES OF PARCELS OF LAND CONVEYED IN DEEDS RECORDED IN BOOK 6315 AT PAGE 188 AND IN BOOK 2835 AT PAGE 91, A DISTANCE OF 499.76 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 2835 AT PAGE 91; THENCE S00°01'05"E AND ALONG THE WEST DEED LINE OF SAID PARCEL OF LAND CONVEYED

IN DEED RECORDED IN BOOK 2835 AT PAGE 91, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 2247 AT PAGE 306; THENCE N89°56'27"W AND ALONG THE NORTH DEED LINES OF PARCELS OF LAND CONVEYED IN DEEDS RECORDED IN BOOK 2247 AT PAGE 306 AND BOOK 5468 AT PAGE 21, A DISTANCE OF 319.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3265 AT PAGE 584; THENCE N89°59'41"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3265 AT PAGE 584, A DISTANCE OF 191.44 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3172 AT PAGE 673;

THENCE S89°57'59"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3172 AT PAGE 673, A DISTANCE OF 327.16 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3036 AT PAGE 623; THENCE S89°57'59"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3036 AT PAGE 623, A DISTANCE OF 253.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4726 AT PAGE 528; THENCE N89°59'50"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4726 AT PAGE 528, A DISTANCE OF 749.17 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S00°23'42"E, A DISTANCE OF 0.76 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3560 AT PAGE 767; THENCE S89°57'37"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 3560 AT PAGE 767, A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE N00°01'28"E AND ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 28.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.627 ACRES.

AND

BEGINNING AT THE NORTHWEST CORNER OF TRACT "C", CHRISTENSEN LANE ESTATES (PRIVATE ROAD); THENCE N89°45'09"E, A DISTANCE OF 255.14 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 1820 AT PAGE 213, THENCE N88°44'55"E AND ALONG THE SOUTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 1820 AT PAGE 213, A DISTANCE OF 490.39 FEET TO THE NORTHEAST CORNER OF TRACT "D", CHRISTENSEN LANE

ESTATES; THENCE S21°43'54"W AND ALONG THE EAST LINE OF SAID TRACT "D", A DISTANCE OF 32.00 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 6514 AT PAGE 442; THENCE N89°21'09"W AND ALONG SAID NORTH LINE, A DISTANCE OF 208.86 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4314 AT PAGE 44; THENCE S89°16'27"W AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 4314 AT PAGE 44, A DISTANCE OF 524.75 FEET TO THE WEST LINE OF TRACT "D", CHRISTENSEN LANE; THENCE N00°01'05"W AND ALONG SAID WEST LINE, A DISTANCE OF 22.20 FEET TO THE POINT OF BEGINNING. CONTAINING 0.384 ACRE.

AND

BEGINNING AT THE NORTHEAST CORNER OF TRACT "D", CHRISTENSEN LANE ESTATES; THENCE N89°21'09"W ALONG THE NORTH LINE OF SAID TRACT "D", A DISTANCE OF 60.09 FEET; THENCE N21°43'54"E AND ALONG EAST LINE OF SAID TRACT "D", A DISTANCE OF 32.00 FEET; THENCE N88°44'55"E, A DISTANCE OF 81.27 FEET TO THE WESTERLY LINE OF PLATTE CANYON ROAD; THENCE S45°44'05"W AND ALONG SAID WESTERLY LINE, A DISTANCE OF 46.10 FEET TO THE POINT OF BEGINNING. CONTAINING 0.050 ACRE.

ALL RECORDED DEEDS AND PLATS REFERRED TO IN THIS LEGAL DESCRIPTION ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY, COLORADO.

5. The parties agree to the entry of a quiet title decree in this action, as follows:

- (1) The plaintiffs and all subsequent owners of residences and lots within the Jefferson Bank Parcel, together with their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive;
- (2) Defendants and all unknown persons who claim any interest in the subject matter of this action, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests,

licensees, or invitees of the foregoing are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane, a private road, to and from South Platte Canyon Drive; and

- (3) Defendants¹ and all unknown persons who claim any interest in the subject matter of this action, have no interest, estate or claim paramount to or inconsistent with the unrestricted and unlimited permanent rights of ingress and egress across and through West Christensen Lane to and from South Platte Canyon Drive of (a) the plaintiffs and the subsequent owners of residences and lots within the Jefferson Bank Parcel, and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing, and (b) any of the other named defendants in this action and their successors, assigns, heirs, and personal representatives, and the family members, employees, agents, servants, independent contractors, guests, licensees, or invitees of the foregoing.

DONE IN OPEN COURT this 17th day of June, 1993.

BY THE COURT:

Michael J. Heston
District Court Judge

The moving party is hereby Ordered to provide a copy of this Order to all parties of record within five (5) days from the date of this order.

¹ With respect to the plaintiffs and defendants, Steven J. Koets, Ann M. Koets, William O. Wieder, Katherine W. Wieder, Jon LaBreche, Marilyn Fuller McGee, George G. Lange, Mildred F. Lange, John Dettmer and Valerie Dettmer, this is subject to the Settlement Agreement dated June 10, 1993, entered into by said parties.

SETTLEMENT AGREEMENT
(hereinafter "Agreement")

THIS AGREEMENT is entered into as of the date hereinafter set forth by, between and among Jefferson Bank & Trust and Laguna Home Builders, Inc. (collectively "Laguna"); and Steven J. Koets, Ann M. Koets, William O. Wieder, Katherine W. Wieder, Jon LaBreche, Marilyn Fuller McGee, George B. Lange, Mildred F. Lange, John Dettmer and Valerie Dettmer (collectively the "Homeowners").

WHEREAS, there is pending in the Arapahoe County District Court, Civil Action No. 92 CV 2564, entitled Jefferson Bank & Trust, et al. v. Russell, et al., (hereinafter the "Action"); and

WHEREAS, Laguna brought this Action seeking only to establish legal rights of ingress and egress over a strip of land known as West Christensen Lane for the benefit of all persons or entities owning property bordering the south side of West Christensen Lane; and

WHEREAS, Laguna has established through a survey, a strip of land, identified in Exhibit A hereto and which shall hereafter be referred to as "West Christensen Lane" on which it seeks to impose an easement for ingress and egress for the benefit of the parties to this Agreement.

WHEREAS, it is the desire of the parties hereto to compromise and settle the claims asserted in the Action; and

WHEREAS, the purpose of this Agreement is to compromise and settle all the claims asserted in the Action, said settlement to establish certain rights of ingress and egress and to involve the dismissals, agreements and covenants herein contained which are deemed by the parties hereto to be fair and reasonable under the circumstances, giving due regard to their differing positions and the uncertainties of litigation; and

WHEREAS, by agreeing to the compromise and settlement herein contained, none of the parties hereto admit, and on the contrary each expressly denies, any and all claims and liability to the other party or parties of any kind or nature whatsoever, whether under any agreement, written or oral, any federal or state statute, common law, or otherwise; and

WHEREAS, this Agreement is entered into for good and valuable consideration, including the compromise and settlement of the Action and the dismissals, covenants and agreements herein contained and provided for;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The parties hereto hereby authorize their counsel, Robinson, Waters, O'Dorisio and Rapson, P.C. for Laguna and Holme Roberts & Owen for the Homeowners, to execute and file with the Court the "Stipulation for Entry of Judgment" attached hereto as Exhibit A.

2. Each of the Homeowners represents and warrants that he or she has no known, existing claims against Laguna. Laguna represents and warrants that they have no known, existing claims against any of the Homeowners other than the claims asserted in the Action, all of which are resolved by virtue of this Agreement.

3. Laguna agrees that the following covenants, warranties and representations will apply, attach to and run with the Jefferson Bank Parcel (as defined in Exhibit A for all purposes of this Agreement). Laguna shall:

- (a) Pave, at Laguna's sole cost and expense, the portion of West Christensen Lane extending from the entry to Christensen Lane Estates west to the entry to the Jefferson Bank Parcel. The width of the pavement shall not exceed 24' with no curbs or gutters, and shall be placed in a location reasonably acceptable to a majority of the Homeowners and Laguna, which will be documented by a monumented and pinned survey of the pavement portion of the road. Laguna shall provide Homeowners with a copy of the survey showing the proposed location of the paving along with a written request for approval. In the event the majority of the Homeowners fail to agree upon an acceptable location within thirty days after receipt of the request for approval, Laguna shall have the sole right to select the location, subject to the requirements imposed by this Agreement. The paving shall occur in two phases, the first to occur prior to commencement

of the development and construction of the Jefferson Bank Parcel project and shall be completed within 45 days from the date paving is commenced. The second phase of the paving shall be completed no later than such time as fifty percent (50%) of the lots within the Jefferson Bank Parcel have been conveyed to third parties, with the initial paving of West Christensen Lane to be reasonably maintained and repaired by Laguna in the interim. The paving shall be to county standards and the first phase shall consist of placing a minimum of 2" of asphalt on the road.

- (b) Maintain and repair to county standards, at Laguna's sole cost and expense, West Christensen Lane. In the event Laguna forms a homeowners' association for homes constructed on the Jefferson Bank Parcel, this obligation may be fully transferred to and assumed by that association, provided the documents creating such an association require the association to establish an adequate fund to cover the cost of predictable repairs and maintenance, which fund shall be maintained by the assessment of sufficient fees against members of the association to satisfy this obligation and provided the association affirmatively agrees to assume such obligations by ratifying this Agreement, after control of the executive board of such association has been transferred to the members of such association. In the event that a homeowners' association is not formed and/or the association does not ratify the terms of this Agreement in the manner set forth above, the obligation to maintain and repair West Christensen Lane shall remain a covenant enforceable by the Homeowners against Laguna.
- (c) Shall construct speed dips in West Christensen Lane, in connection with its paving, similar in size to those located in Columbine Valley located as follows:
 - 1) west of the LaBreche/McGee driveway;
 - 2) west of the Lange driveway; and
 - 3) west portion of the Ed and Beverly Pendleton property.

In the event Laguna extends the paving of West Christensen Lane west from the entry of the

Jefferson Bank Parcel to Leawood Drive, Laguna shall construct a similar speed dip in that portion of the road.

- (d) Agrees that if access is required by Arapahoe County from West Leawood Drive to the Jefferson Bank Parcel, and Laguna is able to acquire a right-of-way allowing such access, that such access shall be limited to emergency vehicles only. This limitation shall be enforced by the construction of a gate with certain specifications. Prior to commencement of the development and construction of the Jefferson Bank Parcel project, Laguna shall construct, at its sole cost and expense a gate at least fourteen feet wide which will withstand an impact of a 4,000 pound vehicle traveling at a rate of 15 miles per hour, and any locks on such gate shall be acceptable to the Littleton Fire Department. In the event the gate is damaged or destroyed, Laguna shall repair or replace the gate within twenty-one (21) days of receipt of written notice, at its sole cost and expense. After receipt of necessary governmental approvals and prior to commencement of construction of the gate, Laguna shall deposit \$2,500 (the "Escrowed Funds") in an escrow account, pursuant to an Escrow Agreement mutually agreeable to Laguna and the Homeowners. The Escrow Agreement shall provide, among other things, that (a) the Escrowed Funds shall be used solely to repair or replace the gate; and (b) that after notice to Laguna that the gate has not been repaired or replaced within the 21 day period set forth herein, that the Homeowners may repair or replace the gate, the cost of which shall be paid for from the Escrowed Funds. If at any time the amount of the Escrowed Funds are less than \$2,500, Laguna (or the Association) shall immediately deposit the funds necessary to return the balance of the Escrowed Funds to \$2,500. The repair and replacement obligation may be assigned to a homeowner's association under the terms stated in subparagraph (b) above.
- (e) Agrees not to seek, make application for, or support a condemnation of any property adjoining

or adjacent to any portion of West Christensen Lane.

- (f) Agrees that it shall not seek, apply for or support any application to make any portion of West Christensen Lane a public right-of-way.
- (g) Agrees that the right-of-way contemplated by Exhibit A will be subject to the existing improvements, including without limitation vegetation, located in the right-of-way described in Exhibit A but outside of the 24' portion of West Christensen Lane to be paved, and that such improvements shall be permitted to remain in their present location despite the contemplated entry of the stipulated order in the Action.
- (h) Agrees that Laguna will not impair or destroy any current drainage or irrigation ditches unless agreed upon by all parties to this Agreement who own an interest in those ditches whose rights would be impacted in any way including all ditches located adjacent to the road, on the Jefferson Bank Parcel, or on any other property which affects the flow to the ditches used by the Homeowners. This shall not preclude Laguna from putting culverts or irrigation pipes to carry the water on the Jefferson Bank Parcel, so long as all easements necessary to protect the rights of the parties are properly recorded, and any and all requirements of the County or the applicable ditch company regarding such culverts or pipes have been met.
- (i) Agrees to record this Agreement in the real property records of Arapahoe County.

The obligations set forth in subparagraphs (a), (b), (c) and (d) shall not arise unless Laguna receives all approvals necessary to commence development of the Jefferson Bank Parcel, and shall also not arise unless Laguna seeks to subdivide the Parcel into five or more separate parcels.

4. Each party hereto shall bear his, her or its own attorney fees, costs and expenses in connection with the Action and with respect to the negotiation, preparation, execution, delivery and closing of this Agreement.

5. This Agreement is the entire agreement between and among the parties hereto. This Agreement shall not be changed, altered, amended or modified except in a writing signed by the parties hereto. Colorado law shall govern the interpretation of this Agreement.

6. This Agreement shall bind and inure to the benefit of the parties hereto and any of their successors, assigns, heirs, personal representatives, or trustees in bankruptcy, and shall be and become effective the date and year set forth below.

7. Each party hereto has received independent legal advice from his, her or its attorneys or other advisors of their choice with respect to the advisability of entering into and executing this Agreement.

8. Except for the representations and warranties contained herein, none of the parties hereto has made any statement or representation to another party regarding any fact relied upon by such party in entering into this Agreement, and none of the parties relies upon any statement or representation or promise of any other party in executing this Agreement.

9. Each party hereto has made such investigation of the facts pertaining to this Agreement and of all the matters pertaining thereto as he, she or it deems necessary, and no party relies upon any promise or representation by any other party with respect to any such matter.

10. Each party warrants, covenants, promises and represents that he, she or it has not assigned, hypothecated, transferred or otherwise conveyed to any third party any claim that such party has or at any time had against any party to this Settlement Agreement.

11. Each party hereto has read this Agreement and understands the contents thereof and has freely and voluntarily entered this Agreement with no restraints or impediments, whether legal, medical, psychological, or otherwise.

12. This Agreement may be executed in one or more counterparts, each of which shall be considered an original and all of which together shall constitute one and the same Agreement.

13. This Agreement may be executed via facsimile and such signatures (if any) will be deemed to be original signatures.

EXECUTED this 8th day of June, 1993.

JEFFERSON BANK & TRUST

By: George M. Fournaris, EVP
Title

Steven J. Koets

Ann M. Koets

LAGUNA HOME BUILDERS, INC.

By: Barry L. Lally Pres.
Title

William O. Wieder

Katherine W. Wieder

Jon LaBreche

Marilyn Fuller McGee

George G. Lange

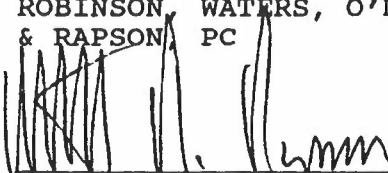
Mildred F. Lange

John Dettmer

Valerie Dettmer

APPROVED AS TO FORM ONLY:

ROBINSON, WATERS, O'DORISIO
& RAPSON, PC



Attorneys for Laguna
William R. Rapson, #4897
1099 18th Street, Suite 2600
Denver, CO 80202
(303) 297-2600

HOLME ROBERTS & OWEN LLC

Attorneys for Homeowners
Katherine J. Peck, #13407
1700 Lincoln Street, Suite 4100
Denver, CO 80203
(303) 861-7000

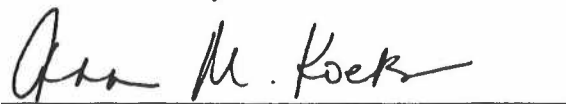
13. This Agreement may be executed via facsimile and such signatures (if any) will be deemed to be original signatures.

EXECUTED this 8TH day of June, 1993.

JEFFERSON BANK & TRUST

By: _____ Title


Steven J. Koets



Ann M. Koets

LAGUNA HOME BUILDERS, INC.


William O. Wieder

By: _____ Title

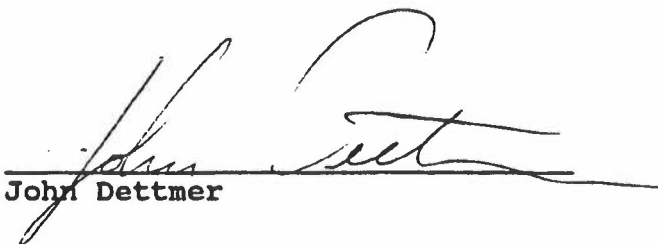

Katherine W. Wieder

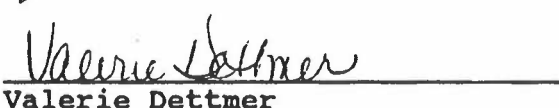

Jon LaBreche


Marilyn Fuller McGee

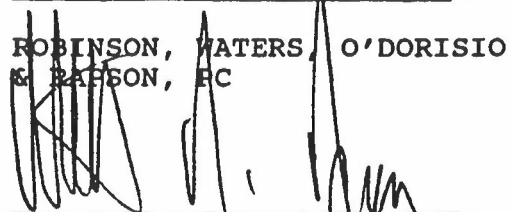

George B. Lange


Mildred F. Lange


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Valerie Dettmer

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ROBINSON, WATERS, O'DORISIO
& RAPSON, PC

Attorneys for Laguna
William R. Rapson, #4897
1099 18th Street, Suite 2600
Denver, CO 80202
(303) 297-2600

HOLME ROBERTS & OWEN LLC



Attorneys for Homeowners
Katherine J. Peck, #13407
1700 Lincoln Street, Suite 4100
Denver, CO 80203
(303) 861-7000

From: [Scott Gilbert](#)
To: [Molly Orkild-Larson](#)
Subject: Resident Comment on Arcadia Creek Development and Illogical access to Christensen Lane
Date: Monday, October 2, 2023 5:50:57 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms Orkild-Larson and Araphoe County Commissioners,

I am writing to express my concern about the discussion to allow through traffic to be funneled onto Christensen Lane from the proposed new development of 23 homes from neighboring Arcadia Creek.

I live at 9 Fairway Lane, of which Christensen Lane is actually an extension once the road crosses Platte Canyon Rd. After the parking lot for the church and Wilder Elementary School, Christensen serves two small neighborhoods, a few individual homes where it is paved. And then after those neighborhoods, it becomes a very narrow unpaved rock lane serving a small handful of other individual homes.

Our four grandchildren are students at Wilder (and one of our daughters is a teacher there) and the youngsters often ride their bike the full length of Christensen Lane to get to school. I cannot envision that bike ride being a feasible safe option if construction traffic and a significant number of vehicles are added to that narrow unpaved section.

This situation is a SAFETY issue for elementary school children. The road simply is not wide enough to be a thoroughfare for cars, trucks and youngsters. There is certainly not room for a sidewalk as there isn't even room for two lanes. I suggest you do a site visit to see how infeasible it would be to allow access to more vehicles. It will be readily apparent that allowing access would be a clear mistake.

I am not anti-development and I am not against this development... but I am **STRONGLY AGAINST** allowing unsafe traffic onto this sleepy little quiet lane just meant for a few people at a time.

I believe that an analogous situation could be instructive here. The agreement with Wild Plum Development to allow golf carts onto Fairway Lane, but NOT cars makes good sense... and would make sense here too.

Thank you for your consideration. Please share my note with the Commissioners

Best.

Jeanette & Scott Gilbert

January 12, 2023

Molly Orkild-Larson
Arapahoe County Planning Department
6924 South Lima Street
Centennial, CO 80112

RE: PM22-006 Arcadia Creek Subdivision

My name is Ann Koets and I reside at 4580 West Christensen Lane (the Lane). The Lane is a private road on the far west side of Arapahoe County. My husband and I have lived in our present home since 1988.

This letter is in response to The Plan for Minor Subdivision (the Plan). As part of the Plan, the developer has indicated that he will seek a variance from Arapahoe County for certain changes to road requirements. As you are aware, there is a contemplated development (Arcadia Creek) proposed to be built to the west of our home. Other than an approximate two-acre piece of land in Arapahoe County, the substantial bulk of the development (currently propose to be 23 single-family detached home units) will be contained within approximately 7.5 acres in Jefferson County (the Jefferson County Parcel). The Jefferson County Parcel currently has full access from W. Leawood Drive in Jefferson County.

The developer (Arcadia Creek) submitted a variance request to Arapahoe County Technical Review Committee (TRC). We understand that the TRC has recommended approval of the variance by the Arapahoe County Board of Commissioners. Additionally, we understand that it is the goal of Arcadia Creek to direct much of the traffic from the proposed development onto West Christensen Lane.

West Christensen Lane is a private, narrow, pedestrian-friendly lane that is bordered on the east side by Platte Canyon Road and on the west side by South Sheridan Boulevard. The west end of Christensen Lane dead ends at a permanent breakaway gate to be solely used by emergency vehicles. Presently, the Lane is only accessible from Arapahoe County. The predecessor owners of the property which is the subject of the proposed development maintained a residence on the Arapahoe County parcel and the Jefferson County Parcel was used for a variety of purposes essentially of an agricultural nature.

Historically, the character and nature of the Lane has been consistent with a recreational corridor, while simultaneously providing for a short driving access point for the residents living on or immediately adjacent to West Christensen Lane. On any given day, there are numerous walkers (often with dogs and/or strollers), bikers and runners utilizing the Lane. There are also several properties on or near West Christensen Lane where horses are present, and it is not uncommon to see people riding their horses on the Lane. The ability of these recreational users to safely utilize the lane will be severely hindered should Arcadia Creek's proposed changes to

the Lane be approved and if all traffic from the proposed development is allowed to funnel through Christensen Lane.

In addition to the aforementioned recreational use of the Lane, it is also a significant passage for school children. Wilder Elementary School (Wilder) is located just north of the Lane at Platte Canyon Road. Numerous children walk or ride their bikes on the Lane coming from and going to Wilder. Additionally, school children from the Christensen Lane neighborhood, as well as surrounding neighborhoods, access their school buses on the Lane for transport to other surrounding Littleton schools.

Arcadia Creek's proposal to Arapahoe County has conveniently failed to provide certain additional salient facts.

First, the vast majority of homes to be built by Arcadia Creek will be built in Jefferson County and have direct access to Leawood Drive in Jefferson County. The developer, who is essentially building a development in Jefferson County, is proposing changes to a private lane in Arapahoe County to which he has no ownership. This, on the very surface, defies logic.

Second, the proposed changes to the road, which are the subject of the variance request, have not been vetted or agreed upon by the current homeowners who access the Lane. There has been no attempt on the part of the developer to create a common vision on joint usage of the Lane.

Third, the Settlement Agreement entered into in 1993 provides that any improvements, including without limitation vegetation, located on Christensen Lane outside of the paved portion shall be permitted to remain in their present location. There are trees and bushes along the Lane that would have to be removed to enable Arcadia Creek to comply with the variance. This is absolutely precluded under the aforementioned agreement.

Fourth, the south side of Christensen Lane is often icy during the winter months. As such, this inevitably forces all traffic (be it vehicular or pedestrian) toward the north side of the narrow lane. Consequently, any proposal for walkways on the south side of the lane will be inherently dangerous and will, almost certainly, go unused.

Fifth, several homes along Christensen Lane have acreage on the south side of their properties which require irrigation. They utilize an irrigation ditch which runs under the Lane. These irrigation ditches could be adversely impacted by the proposed changes reflected in the variance request.

The proposed development will add an incremental amount of traffic that is not sustainable along our private lane. Jefferson County has stated that they would be comfortable with all ingress and egress of the development accessed solely through the Leawood subdivision on county-maintained roads. The Jefferson County Leawood subdivision is significantly more expansive than the Christensen Lane community and has a greater infrastructure to bear the additional traffic flow caused by the new development. Having the ingress and egress of the Jefferson County

Parcel flow through the Leawood subdivision certainly makes sense from an existing infrastructure perspective and, to a lesser extent, in light of the fact that all of the 23 homes will be paying property tax to Jefferson County, not Arapahoe County.

I sincerely hope that you, as Arapahoe County Commissioners, will deny any variance requested by Arcadia Creek relative to West Christensen Lane. Additionally, I request that you deny vehicular traffic onto the Lane from the Jefferson County Parcel of the Arcadia Creek Development. Having lived in my present home on West Christensen Lane since 1988, I feel that I can state unequivocally that the addition of traffic and the proposed changes to the Lane will have severe consequences for public safety and welfare.

Thank you for your consideration,
Ann Koets

January 12, 2023

Molly Orkild-Larson
Arapahoe County Planning Department
6924 S. Lima Street
Centennial, CO 80112

RE: PM22-006 Arcadia Creek Subdivision

This letter is in response to the Plan for Minor Subdivision (Plan) filed by Arcadia Creek LLC. My name is Steve Koets. My wife and I have lived at 4580 Christensen Lane for more than 34 years. We are opposed to this Minor Subdivision Plan as proposed by the applicant.

The applicant's development plan proposes the addition of one home in Arapahoe County and twenty-three new homes in Jefferson County. The applicant proposes that all twenty-four of these homes as well as the existing home on the property will have access to the north onto Leawood Drive and to the east onto Christensen Lane (the Lane).

Christensen Lane is a private road in western Arapahoe County. It is maintained by the residents who currently use the lane for access. The Lane is also used by a multitude of pedestrians including elementary school kids going to and from Wilder Elementary School. It is also used by bicycle riders and horseback riders. This lane has always been a rural setting in the middle of the suburbs with many properties having 2-5 acres. The eastern two-thirds of the Lane provide access to most of the homes including the Fox Hollow development at the western edge of this section of the Lane. The western third of the Lane is basically an unimproved shared driveway that provides access to three homes, one home directly on the Lane and two using a shared driveway at the western end of the Lane. At the far west end of the Lane is an emergency access gate that prevents vehicle access onto Sheridan Blvd. and the Leawood subdivision in Jefferson County. This gate has only been opened once in the entire time we have lived here and that was during the Columbine tragedy.

When the Fox Hollow development was built in the early 90's, the developer had to obtain additional easements along the Lane in order to accommodate the increased traffic between Platte Canyon Road and the entrance to the Fox Hollow development. This process also resulted in a Settlement Agreement (Book 7428 page 631) being entered into by the developer and residents of five of the properties along the lane. The Arcadia Creek property was owned at the time by one of the parties to the Settlement Agreement and, being a successor to the owner of the property, the applicant is also bound by this Settlement Agreement. Among other things, this agreement required:

1. The Fox Hollow homeowner's association is responsible for the maintenance of Christensen Lane all the way to and including the emergency access gate at the west end.
2. That any access from West Leawood Drive to Christensen Lane be limited to emergency vehicles only.
3. That existing improvements, including vegetation along the sides of the Lane, were to remain.
4. The agreement shall not be changed, altered, amended, or modified except in writing by all parties to the agreement.

We are a party to this agreement, and we believe that the Plan and the changes it proposes violate the requirements of the Settlement Agreement, which the applicant is also a party to as a successor in ownership.

There are various properties in the area, including our own that own water rights utilized for irrigation purposes and our water is delivered through a pipe that runs under Christensen Lane from the west end of the Lane eastward to the Fox Hollow entrance. Any potential changes or construction on this portion of the lane could adversely affect our ability to deliver our water.

The applicant has filed a variance request with the Technical Review Committee for Arapahoe County seeking a variance to Arapahoe County road requirements. I do not believe that the applicant can file for a variance for property that they do not own or have the responsibility to maintain. I also do not think that they can make the proposed changes to that property without the written agreement of all the parties to the Settlement Agreement as well as current users of this portion of the Lane. From my experience with obtaining a variance, you need support from surrounding Arapahoe County residents. In this case I do not believe there are any Arapahoe County residents who would support this variance request. Also, any variance from the County's requirements will result in a more dangerous right of way for all users of the lane.

The applicant is proposing gates at both access points of this development. There is no assurance that these gates will remain in place after the developer has moved on. Any codes to these gates will become well known by non-residents as well as numerous commercial vehicles such as Amazon, Fed Ex, UPS, and others. This will result in this becoming a throughway between Leawood and Platt Canyon. This is not in the best interest of Arapahoe County and a major detriment and safety hazard to the Arapahoe County residents living along Christensen Lane.

Allowing vehicle traffic from twenty-three homes in Jefferson County to access Christensen Lane will result in an unsafe situation for pedestrians (including school children), bicycle riders, horseback riders, and residents currently living along Christensen Lane. We do not object to the construction of the two homes proposed in Arapahoe County or the twenty-three homes proposed in Jefferson County. We are opposed to allowing the homes in Jefferson County vehicle access to Christensen Lane. We are also opposed to Arapahoe County granting any variance with respect to the Lane since it would create significant safety concerns to all current users of the Lane. We ask Arapahoe County to deny this Plan as it relates to Jefferson County traffic accessing Christensen Lane since it would be a concession to Jefferson County residents that is detrimental to all Arapahoe County residents who currently use and reside on Christensen Lane. I would also ask that Arapahoe County deny any variance that is filed, that relates to the Lane, which is not agreed upon by all users of the Lane

Thank You,

Steve Koets

From: [Nate Koran](#)
To: [Molly Orkild-Larson](#)
Cc: [Carrie Warren-Gully](#)
Subject: Arcadia Creek Development
Date: Tuesday, November 7, 2023 2:10:08 PM

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Good afternoon,

We have written before about our concerns with the Arcadia Creek development on the county line between Jefferson County and Arapahoe County. As the year has progressed, a few more issues have arose that we wanted to ensure were taken into consideration.

Do you know how the developer plans to provide water to Arcadia Creek? We are on a well, and are concerned that increased usage of the aquifer and water supply could result in a water shortage for those properties in the area that remain on well water. Have any studies been done to ensure this development will not deprive current homeowners and property owners of access to water, or negatively impact their wells' water production rate? Also, several of the homeowners and property owners have water rights for their property. Will this development negatively impact how the water flows to the property or the amount of water that can reach their properties?

The traffic remains a concern, as anyone who drives on Platte Canyon Road between Bowles and Mineral can attest to. The amount of cars between 7:30-8:30 am and 4:30-6:30 pm seems to already be putting this area at capacity. The light at the end of Christensen Lane is timed to allow Platte Canyon Road the majority of the traffic flow, which makes sense. When Christensen Lane has a green light, two or three cars at the most can get through. If the development is allowed to access Christensen Lane, the green light would need to be extended to allow more traffic flow off of Christensen Lane, which would cause even more backups on Platte Canyon. The development currently under construction on the corner of Bowles and Platte Canyon will also add to the traffic count, and will add to the stop and go traffic that currently exists on this two lane road every morning and afternoon. We are also concerned that other Jefferson County traffic will use Arcadia Creek to cut through to Christensen Lane and Platte Canyon Road, further increasing the amount of traffic. Residents all around this area, especially children going to Wilder Elementary School, use Christensen Lane as a bike and walk route, and any increase in traffic becomes a safety concern.

Thank you for taking the concerns of impacted residents seriously.

Nathan and Carissa Koran

Molly Orkild-Larson

From: Nate Koran
Sent: Tuesday, January 10, 2023 11:23 AM
To: Molly Orkild-Larson
Cc: Carrie Warren-Gully
Subject: Arcadia Creek Development Concerns

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We are homeowners that live on Christensen Lane, and would like to express our concern about the proposed Arcadia Creek development. We have two children who walk and bike to school on Christensen Lane, and the increase in traffic due to the homeowners, caregivers, and delivery drivers is very concerning to us.

We have been notified that the developer has filed for a minor subdivision with Arapahoe County at the end of Christensen Lane. This development is of great concern to our neighborhood and specifically to the safety of all of the kids who walk, bike, and scooter to school along Christensen Lane. The additional traffic from a potential 25 homes would create an unsafe route for our families to travel to and from school along Christensen Lane. The increase in traffic from potentially 25 additional families, estimating 3 drivers in each family, driving back and forth a minimum of twice a day along with caregivers, delivery drivers and guests during hours when our kids are trying to get to school safely is not safe. This road is a narrow road and while two cars can safely and slowly pass each other going in opposite directions, it is usually necessary to give way to larger vehicles in one of the wider spots on the road. Our understanding is that 23 of the homes in the proposed development are in Jefferson County, while only two are in Arapahoe County. If all homes in the development, or no homes in the development, must have access to private Christensen Lane, the entire development should be required to use the pre-existing and suitable public roadways of West Leawood Drive and South Sheridan Boulevard. It is our belief that the developer only wants access to this road to market access to Columbine Country Club. If the residents of the development were allowed golf cart access only to Christensen Lane, there would not be any of the previously stated traffic concerns. While the developer has stated that this will be a 55+ community with reduced traffic, our own family would qualify for this development in ten years, and have four drivers living in the home. The developer has also proposed widening Christensen Lane, which would only invite more traffic and infringe on existing homeowners fences and property lines.

Christensen Lane is a lovely, quiet lane and the reason many of us moved here. We appreciate the trees lining the roadway, the freedom of our children to walk safely, and the limited traffic due to the nature of the private drive. To allow a new development to bridge two counties, opening up Christensen Lane as a throughway between Leawood Drive traffic and South Platte Canyon traffic would be a detriment to Arapahoe County.

Please help protect our kids and reduce the traffic by not approving the Arcadia Creek development access to Christensen Lane.

Thank you for your time,
Nathan and Carissa Koran

August 11, 2023

Molly Orkild-Larson
Principal Planner
Arapahoe County
6924 S. Lima Street
Centennial, CO. 80112

Dear Ms. Orkild-Larson

My wife and I live at 5090 Christensen Lane, Littleton, CO. We are located immediately east of the newly proposed Arcadia development. This development will impact us in several ways. With that in mind we have several questions/comments.

Coon Creek Culvert. As the property owner immediately east of the culvert we are concerned about the impacts that the construction of the new culvert and its tail wall will have on us and our property. I am wondering if the developer can provide a graphic overlay of where the new culvert and the proposed tail walls will be in relationship to the existing trees and landscaping. He indicates that only one tree will be removed, but I have my doubts. After studying the construction details, I noticed that some of the wall footings are 11' wide. That will require an excavation of about 14' wide. I am concerned how an excavation this wide could impact my trees and my property. Some of these walls are 10' above the surface of the creek. Will this be my new view (10' of concrete wall versus 60+ year old trees and an established creek line)? If these walls are allowed, how will they be backfilled and landscaped? I believe that detailed drawings of this proposed work will show the negative impacts that these walls will have on my property.

We would like to be clear that we do not believe that the developer, Arapahoe County or SEMSWA has an easement that allows construction on our property. C5.0 labeled Existing Drainage Map clearly states that "No Drainage Easement in this area, SS and Access Esmt labeled".

There seems to be some confusion about the location of the existing culvert. We do not believe that it crosses the property line. We would like to see the developer produce a detailed drawing showing the exact location of the culvert in relation to the property line.

Landscape Drawings. Several of the replies to Arapahoe County's comments refer to the landscape drawings. I was unable to find any landscape drawings, so those questions remain unresolved for us. We reserve the right to make comments on those drawings once they are produced.

Private Drive: The developer states he has the right to adjust to the location of the private drive as it lies on his property. We are concerned that any adjustment of the private drive will cause some of the existing trees to be removed, destroying the ambiance of the drive.

Use of Christensen Lane: The developer has stated that Christensen Lane was used for decades by commercial users with no complaints from the neighbors. These commercial uses were in violation of the zoning on the property. The neighbors did in fact complain to Jefferson County and those uses were stopped or forced to relocate.

We are confused when it comes to pedestrian use of the Lane as described by the developer. His narrative speaks of a fence and then addresses bollards but only striping is shown on the drawings. What is the plan? It is difficult to address when the target continues to move.

Studying the profiles of Christensen Lane provided by the developer it becomes obvious that he is attempting to meet the minimum requirements of Arapahoe County. The proposed slopes on both edges of the lane, as well as the adjustments for drainage, do not appear to be safe for the end users. Are we not forcing things to work in Arapahoe County for the benefit of a Jefferson County development?

Thank you for reviewing our concerns. Should have any questions we can reached at 303.973.7555.

Submitted by,

Anne and Andy Larsen

Anne and Andy Larsen

Molly Orkild-Larson, Principal Planner
RLA, AICP
Arapahoe County, CO.
Phone: 720-874-6658;

County Submittal 11/04/2022 PM22-006 Arcadia Creek Subdivision

By means of introduction, my wife and I live at 5090 Christensen Lane. We share access (through and easement) to Christensen Lane. Proposed civil improvements to 5100 Christensen Lane will have the greatest effects on us.

We are not opposed to the development of the property. The Owner of the property has every right to develop the property as he sees fit as long as it does not have a negative effect on the neighboring properties or community. We believe that the two homes proposed on the Arapahoe County parcel have every right to access Christensen Lane and to use the Lane as access to their property. We are opposed to the Jefferson County development using Christensen Lane as their means of access. As the Fox Hollow Development was negotiated an agreement was made that a yellow fire/crash gate would be installed on the west end of Christensen Lane to prevent Arapahoe County traffic from access to Leawood and preventing Jefferson Co traffic from accessing Christensen Lane. This development is simply a way to circumvent that agreement between the two counties.

We have reviewed the submitted documents and have several concerns. We would like a formal response to each of the items to ensure that they have been read and understood.

CONSTRUCTION DOCUMENTS

C0.1

Stormwater Utility Contacts shows as Jeffco Planning and Zoning

C0.0

Landscape Maintenance

"the adjacent property owner's...is responsible for maintenance and upkeep". As the adjacent property owners, we do not agree to this.

C2.0

Typical Road Section

Shows two 10' lanes with 2'8" mountable curb on each side and a 5' walk on one side. The next section shows two 10' lanes and no mountable curbs. These two conditions meet just south of the new culvert. What does the transition look like when a 25' road meets a 20' road? Water will be flowing north along the mountable curb and then "free flow" onto unimproved ground. This water will flow onto my property and toward the creek causing erosion and silt entering the creek.

Site Distance Triangles

Site distance triangles are shown on the drawings. The eastern site triangle as shown cuts through two existing fences that are currently on a different landowner's property. Has this landowner approved this?

C2.1

Profile Christensen Lane indicates a gate on the 20' private drive. Since fences are not allowed in the floodplain what does this gate attach to? The plan shows the private lane to be constructed 8' west of the property line. Is this 8' left open? The floodplain begins immediately to the west of the gate so there can be no fence there. What stops access around the gate?

C2.1-C2.6

Several cross sections of improvements on Christensen Lane are shown on these pages. The varying width of Christensen Lane shown as "Property Line to Fence", "Fence to Fence" and rarely as "Property Line to Property Line." Property Line to Property Line can be the only measurement of value unless easements are obtained from each property owner where the fence line is beyond the property line.

There is a proposed concrete channel on the north side of Christensen Lane. What is the purpose of this channel and what does it do to the flora on the north side of Christensen Lane?

The drawings indicate that the existing storm sewer inlets are to be removed, but there is no mention of them being replaced except for the inlet on the far west end.

Between pages C2.2 and C2.3 there is an 85' section that does not have the proposed concrete channel. What happens in this area?

The South side of the shown improvements show grades dropping anywhere from 5% to 35%. Arapahoe County Roads Standards indicate a maximum slope of 3:1. In some areas the Lane paving is retained by a grade beam that extends down about one foot. There is no protection for vehicles or pedestrians who may inadvertently walk off the edge.

This channel has a north wall that varies in height from 7" to 1.5' and flushes up to the paving on the south side. What prevents anyone from driving into this channel?

Originally proposed was a dedicated walking/bike path along side of the lane. Currently the plan shows stripping of a walking/pathway that is 3' to 5' wide depending on the width of the road.

Now, let's put this into perspective. The current plan is two 10' drive lanes with a concrete channel on one side and paving that stops and falls away at 35% on the other. What is to prevent a west bound driver from driving into the concrete channel. Someone who moves to the right to avoid an oncoming Amazon truck could easily do that and not be able to extricate themselves. Having both vehicles move the opposite way, the east bound driver moving to their right could drive right off the road and once again, be stuck in the ditch. Now play this same scenario out at night. Any improvements?

How is snow plowing going to work? Plow trucks will plow the snow to the outside edges filling in the channel to the north and leaving the appearance that no slope exists on the south. This only makes the possibilities of driving off the Lane easier. When the concrete channel fills full of snow, melts and then ices up water will then creep out to the Lane. It is on the north side and is shady by nature and add to that the tree fauna on the Lane keeps things well shaded only increasing the amount of time the north lane will be icy.

Now add children walking or riding their bikes back and forth from school. And pedestrians that walk the Lane on a continual basis. That only increases the chances of serious accidents.

C3.0

The culvert as it is shown is 64' long and 21' wide. It serves a 20' wide road. Increasing the width of the culvert does nothing to protect walkers, bikers or children from standing on the edge and falling off. The east end of the culvert extends past the Owner's property line. No one has approached me as to an easement to allow both construction and a permanent structure to be placed on my property. I do not feel compelled to grant an easement for several reasons. Although the private drive is gated, there is no fence to prevent pedestrians, children or bikers from going around the gate.

Has the developer provided evidence that the concrete box culverts will support the 80,000 loads that the Fire Department is requiring?

Items that are not shown on the drawings.

It appears the private drive lane to Christensen has moved about 5' to the west which is a negative impact to the flood plain. MHFD and SEMSWA had previously committed that they would not allow any more of an impact to the flood plain that is existing.

Although the section cuts across Christensen Lane show varying widths the stop just west of the Fox Hollow entrance. During the approval of the Fox Hollow development, it became apparent that Christensen Lane was less than 20' wide just west of the Christensen Lane Estates entrance. The Fox Hollow developer was forced to purchase easements from the first 5 Christensen Lane lot owners to add 10 feet in width to Christensen Lane in order to meet County requirements. Access to these easements has not been granted to the Arcadia Creek developers. Therefore, Christensen Lane does not meet any of the widths required by Arapahoe County in terms of the Arcadia Creek development.

ARACDIA CREEK SUBDIVISION FILING NO. 1

The third line of the Easement chart shows an Access Easement granted to Larsen Property with surface/improvement maintenance by Property Owner. Can we ensure that this is the responsibility of the Arcadia HOA and not the Larsens?

Page 2

DRIVES, PARKING AREAS, AND UTILITY EASEMENT MAINTENANCE AND LANDSCAPE MAINTENANCE
both make "the adjacent property owners" responsible for maintenance and upkeep. How can the developer commit us "the adjacent property owners" to this expense?

Page 3

We need further explanation how the pavement on Tract H matches up with the pavement on Tract G and where the water that flows from the curb and gutter on Tract G goes when it is discharged.

DRAINAGE MAPS

C5.0

The southeast corner of the existing drainage map shows this corner to be relatively flat. **C2.1** indicates the site has been raised by at least 2' and shows water draining to the south. This water is going to drain onto my property before it reaches the Dutch Creek flood plain. This is an increase to the existing flows.

DRAINAGE REPORT

Page 5 Drainage Basins and Sub Basins descriptions and calculations are discussed individually. Sub-basin CC-2 is not identified. The Arcadia Creek Basin Summary Table (Proposed) (page 8) identifies it as "off-site". That works for a drainage report in favor of Jeffco but for an application in Arapahoe County, this sub-basin is being modified and should be represented in the study. This basin is shown to be .57 acres (24,829 SF) and 2% imperviousness. However, this basin will now include a paved drive that is approx. 10,592 SF of impervious surface which is 42% and not the indicated 2%.

GSEC PLANS

ECO.I

Shows utility contact to be Jeffco Planning and Zoning. I believe that SEMSWA should be the reviewing agency for Arapahoe County.

EC02

The private drive clearly shows that the west side of this drive is 24' west of the east property line. This conflicts with the construction drawings, page C1.0 that shows the west side of the private lane to be 28' west of the east property line. Once again, this private drive is moving further into the floodplain. Has Arapahoe County, SEMSWA, and Mile High Flood District been made aware of this encroachment?

As shown, the existing culvert does not encroach onto my property. **EC03** clearly shows the new culvert encroaching onto our property. Who approved this?

Once again, we would like to state that we are not against the development. What we are opposed to is this Jefferson County development is planning on accessing through Arapahoe County. We do not know of one of the Arapahoe County neighbors that supports this access. The developer states that these are all improvements to the private drive and Christensen Lane. He may see them as improvements, but the Arapahoe County residents that are affected by this proposed access do not agree with him. Many moved into the area for its rural feel. There have never been more than four residences that have access to the Lane since the Lane was developed. The Arapahoe County side will add two homes, one replacing the existing house and the second replacing the current home in Jeffco that uses the private drive for access resulting in no increase in traffic. Adding the traffic from the 23 Jeffco homes (at 575% increase) certainly will change that ambiance.

The developer will state that residents of this community will be age restricted meaning that there will be less traffic. We talked previously about how narrow the Lane will be with two 10' lanes. This will only be more challenging when most of the traffic is controlled by senior drivers.

We have no problems with Jeffco moving forward and approving this development. We have no problems with Arapahoe County approving two homes on the Arapahoe County site. Christensen Lane as it exists today only serves four homes. We are opposed to the major changes to the private drive and Christensen Lane to benefit 23 homes in Jefferson County. How is this a benefit to Arapahoe County and to the Arapahoe County residents? We have managed and maintained Christensen Lane since the Fox Hollow development and have asked for little or no help from Arapahoe County services. Why should the residents of Arapahoe County to be forced to accept these changes for the convenience of a Jefferson County development? Access is available through Jeffco, and the Jeffco infrastructure was planned and developed to accept additional load without any major modifications. There is no need to modify lanes in Arapahoe County for a Jefferson County development.

Thank you,

Anne Larsen

Andy Larsen



Mace Pemberton, P.E.
14 Honey Locust
Littleton, CO 80127
(303) 523-9556

January 11, 2023

Andy Larsen Sr.
5090 Christensen Lane
Littleton, CO 80123

Case No. PM22-06

MACE LLC reviewed the construction documents and reports for Arcadia Creek and offer the following responses.

General Comments:

The proposed residential development is primarily located within Jefferson County with 2 residential lots in Arapahoe County. This review is focused on the proposed improvements within Arapahoe County. The surrounding residential properties East of the proposed development utilize Christensen Lane as the primary access to their homes. Christensen Lane has historically functioned as a private drive maintained by the residents.

Roadway and Drainage Comments:

Christensen Lane is confined by the privacy fences on both the north and south sides of the drive. A storm sewer system exists along the north side of the drive from the intersection Christensen Drive approximately 1250 feet east of the Arapahoe County line. The storm drain also intercepts runoff from the Fox Hollow development to the North. This outfall is to Coon Creek near the Arapahoe County line. The proposed concrete channel, also positioned along the north side of the drive, is considered to be a **dangerous** safety solution to convey the surface runoff. Due to the constraints to provide a two-lane, 20 foot wide pavement section, the 6 inch vertical drop from the pavement surface into the concrete channel would result in loss of control, vehicle damage and possible injury. No horizontal buffer or protection is provided. The 20 foot section extends to the curb face which limits the ability for vehicles to pass safely.

Storm runoff from the southerly one-half of the drive is not adequately addressed. The close proximity to the existing fence limits the ability to construct the drive. Utilizing the fence as a retaining wall directly or inadvertently should not be left to the contractor to address during construction.

The Coon Creek crossing improvements consisting of a 6 foot by 21 foot box culvert was not analyzed sufficiently in the Drainage Report to address the 10 year flowrate and 100 year overtopping condition. Additional analysis including scour, riprap revetment, no-rise certification should be included.

The Drainage Report stated on page 9 that no detention is provided on the Arapahoe County parcel. Since two (2) residential lots are proposed, a single statement without justification should not be made.

Also on page 9, the Coon Creek 10 year flowrate identified as "approximately 1500 cfs" does not identify the flowrate established in the Flood Hazard Area Delineation for Coon Creek.

As stated in the Mile High Flood District letter dated March 29, 2022, emergency access overrules MHFD acceptability of a 10- year design. The South Metro Fire Rescue review to allow no guardrails at the private drive crossing over Coon Creek does not address the depth of overtopping and velocity of the flow preventing the fire apparatus, emergency responders and local residents the ability for egress. Since the Drainage Report did not provide the analysis, these issues cannot be resolved.

Construction Drawings Comments:

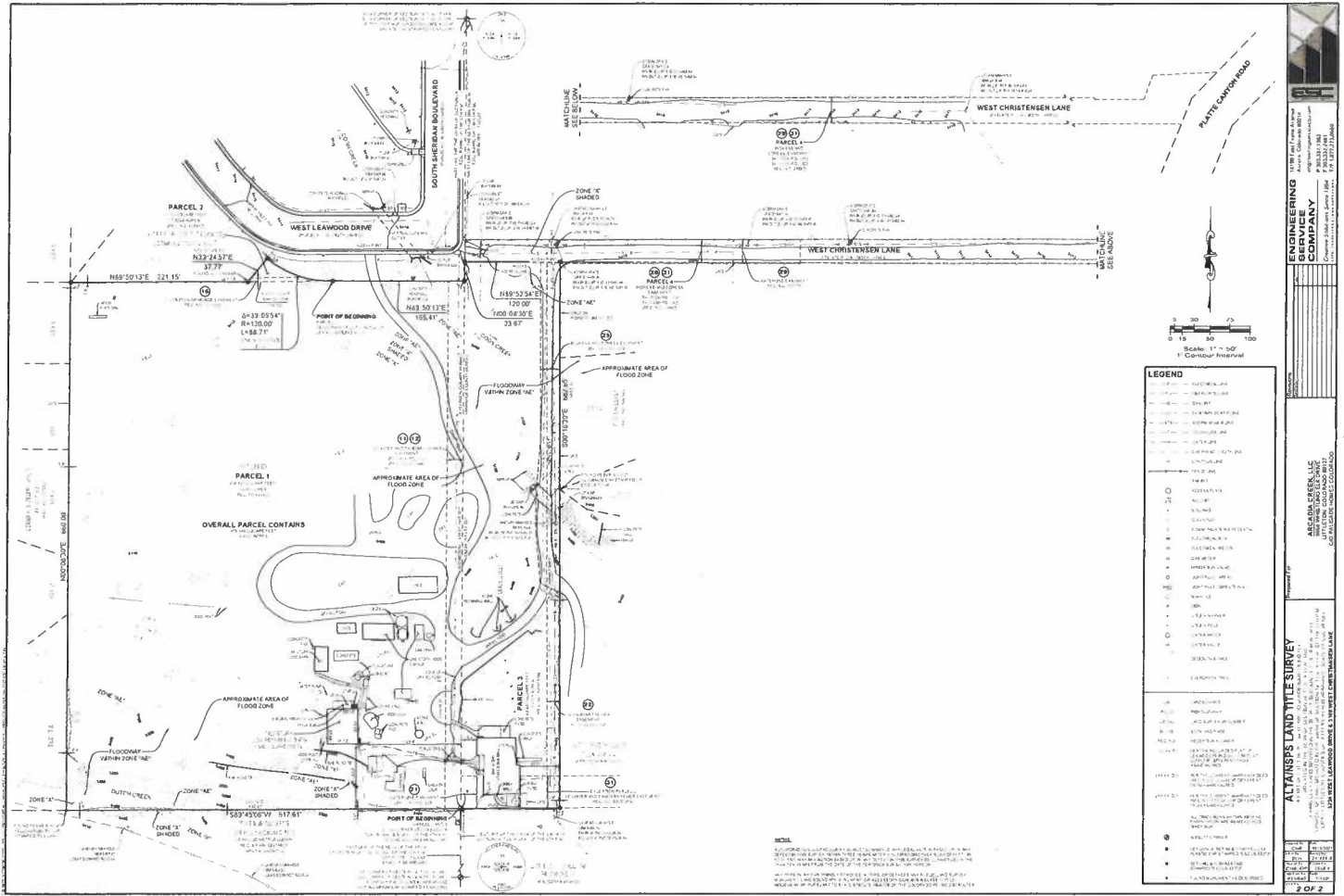
Comments are provided on the construction plans. Issues relating to the proximity to the existing fences, grading, and storm drainage are identified.

A handwritten signature in black ink, appearing to read "Mace Pemberton". The signature is fluid and cursive, with a horizontal line extending from the end.

Mace Pemberton, P.E.
MACE LLC

NOTES CORRESPONDING TO SCHEDULE B - SECTION 2 OF TITLE COMMITMENT:

- (8) EIGHTING LEASES AND EASEMENTS, IF ANY, (NOT ADJACENT)
- (9) RIGHT OF THE PROPRIETOR OF A VESSEL OR LOSE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE TAKEN TO THE PROPERTY OF THE PROPRIETOR OF THE VESSEL OR LOSE, AND A RIGHT OF WAY OR EASEMENT OR EASEMENTS AS RESERVED IN UNITED STATES PATENT RECORDED JANUARY 26, 1989 IN BOOK 23 AT PAGE 424 APPLIES TO THE SUBJECT PROPERTY HOWEVER CONTAINS NO PORTABLE ITEMS
- (10) ANY TAILOR, USE OR REUSEMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE PLATTE CANYON WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 05, 1988 IN BOOK 1188 AT PAGE 15, APPLIES TO THE SUBJECT PROPERTY HOWEVER CONTAINS NO PORTABLE ITEMS
- (11) TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN DEED RECORDED SEPTEMBER 18, 1981 IN BOOK 1424 AT PAGE 096, APPLIES TO THE SUBJECT PROPERTY (PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 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ALTAMIRA LAND TITLE SURVEY

ENGINEERING SERVICE COMPANY

10000 E. 10th Ave. Suite 100
Denver, CO 80231
P. 20231-100
10000 E. 10th Ave. Suite 100
Denver, CO 80231
10000 E. 10th Ave. Suite 100
Denver, CO 80231

LEGEND

APPROXIMATE AREA OF FLOOD ZONE
ZONE 1
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ZONE 100

NOTES

1. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
a. THE BOUNDARIES OF THE PARCELS ARE AS SHOWN ON THE SURVEY.
b. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
c. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
d. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
e. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
f. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
g. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
h. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
i. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
j. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
k. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
l. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
m. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
n. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
o. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
p. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
q. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
r. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
s. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
t. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
u. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
v. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
w. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
x. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
y. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:
z. THE SURVEY IS BASED ON THE FOLLOWING ASSUMPTIONS:

ARCADIA CREEK
A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5 SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R. 69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R. 69W., OF THE 8TH P.M., CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



PROJECT #	AC2130
PROJECT DATE	11/14/2022
DE SIGNER	EMR
REVIEWER	CMM



STRUCTION DOCUMENTS

RCADIA CREEK

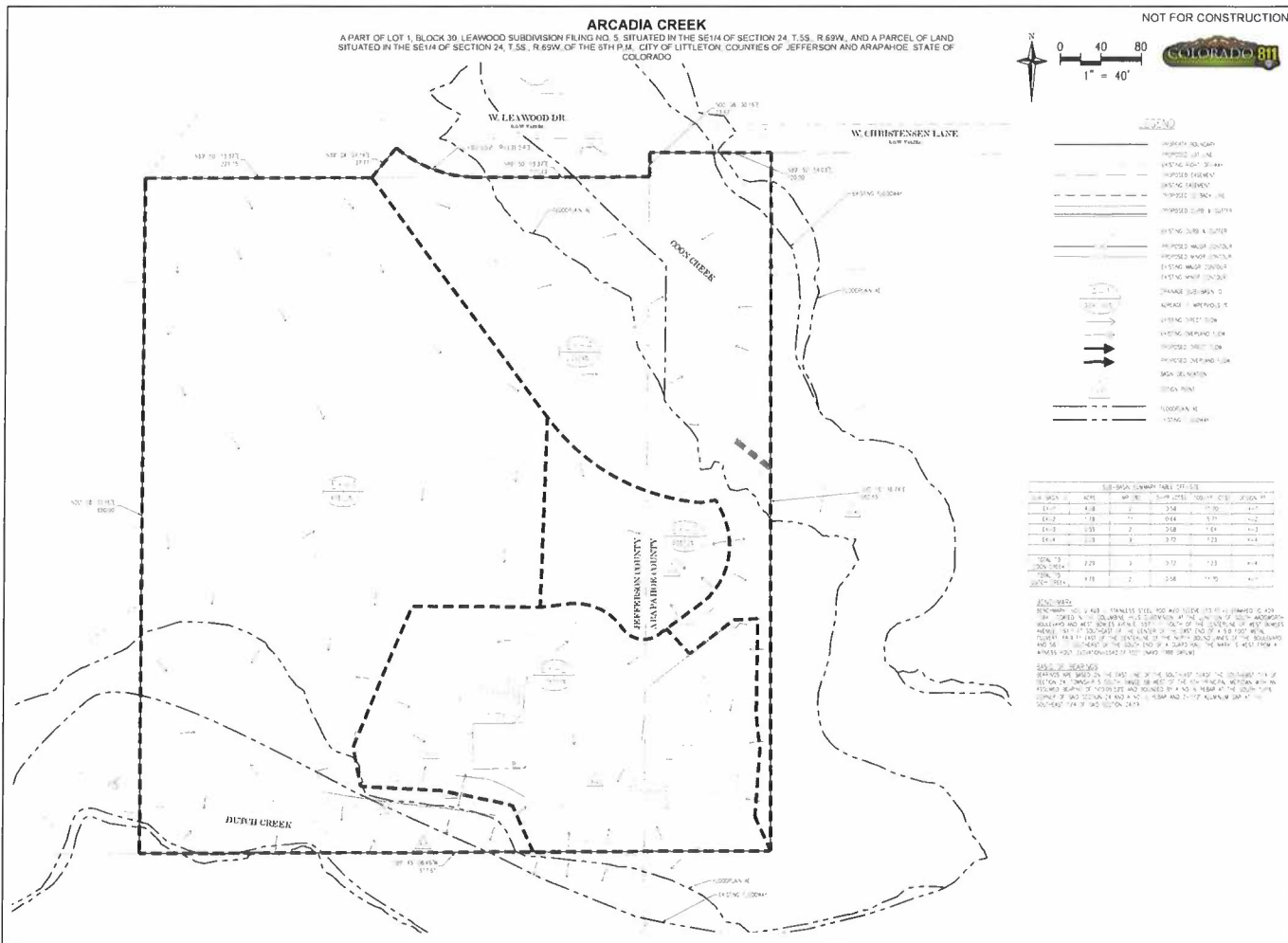
5234 LEAWOOD DRIVE
LITTLETON, CO 80123

CHARLES KEENER JR

REVISION NUMBER	REVISION DESCRIPTION	DATE
01	ARMADORE COUNTY PLAT SUBMITTAL	1/10/2002

**EXISTING
DRAINAGE MAP**

C5.0



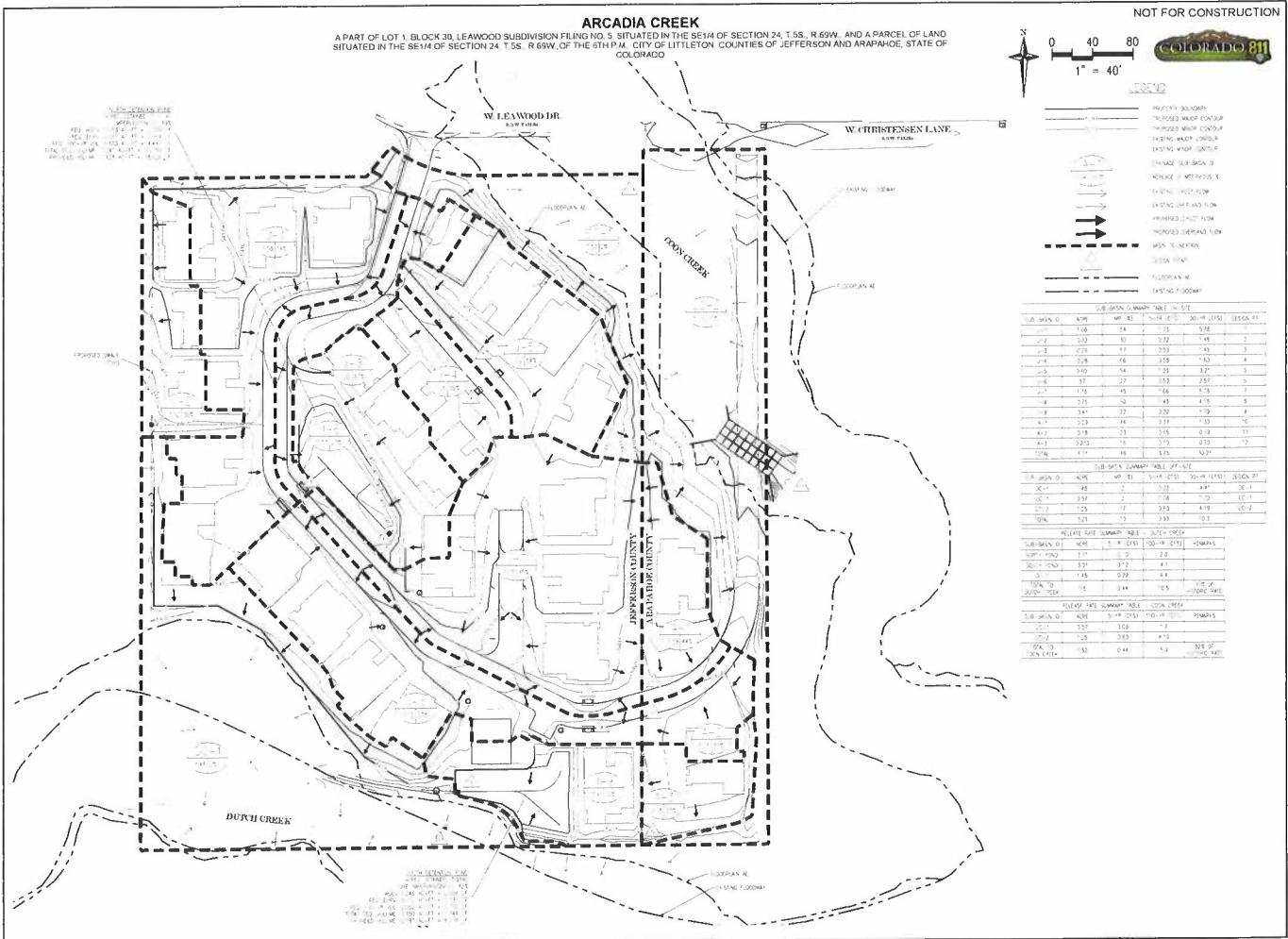
A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5 SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W. AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., OF THE 6TH P.M. CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



CONSTRUCTION DOCUMENTS
ARCADIA CREEK
5234 LEAWOOD DRIVE
LITTLETON, CO 80123
CHARLES KEENER JR

REVISION NUMBER	REVISION DESCRIPTION	DATE
01	ARAPAHO COUNTY PAY SUBMITTAL	11/02/2002

C5.1



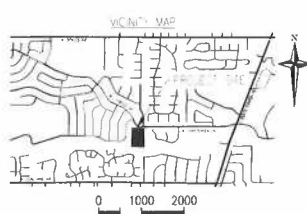
A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., OF THE 6TH P.M. CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



REVISION NUMBER		REVISION DESCRIPTION	DATE
III		ANNAPOLIS COUNTY ZEMMETHA	11/02/2012

C0.1

LEGEND

[illegible]

BRIGHTLIGHTER
ENGINEERING
1 BROADWAY, 4025
DENVER, CO 80205
PREPARED FOR
ARCADIA CREEK, LLC
8 WHITE PINE CT.
LITTLETON, CO 80127

STANDARD ABBREVIATIONS**

[illegible][illegible]

ARTIST
 SUE CAYON, ARTIST AND JACQUELINE SPOFF
 1000 W. 10TH ST.
 SUITE 201 MC 3113
 OAKLAND, CA 94612
 (415) 784-1520
 *Surrealism & Abstractism in oil

SALE DATE
 SUE CAYON, ARTIST AND JACQUELINE SPOFF
 1000 W. 10TH ST.
 SUITE 201 MC 3113
 OAKLAND, CA 94612
 (415) 784-1520
 *Surrealism & Abstractism in oil

TELEMARKETER
 ZEDD ZIMAN, AND ZIMAN
 2100 W. 10TH ST. SUITE 201
 OAKLAND, CA 94612
 (415) 784-1520
 *Surrealism & Abstractism in oil

NOTE
 1. 1000 W. 10TH ST. SUITE 201 MC 3113
 2. 1000 W. 10TH ST. SUITE 201 MC 3113
 3. 1000 W. 10TH ST. SUITE 201 MC 3113
 4. 1000 W. 10TH ST. SUITE 201 MC 3113
 5. 1000 W. 10TH ST. SUITE 201 MC 3113

CONTACT
 KEN (ARTIST)
 1000 W. 10TH ST. SUITE 201 MC 3113
 OAKLAND, CA 94612
 (415) 784-1520
 *Surrealism & Abstractism in oil

LEGAL DESCRIPTION

[illegible]

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

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BASS OF BEARINGS

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Sheet List Table	
Sheet Number	Sheet Title
C0.1	COVER SHEET
C0.9	NOTES SHEET
C1.0	PAVING HORIZONTAL CONTROL AND GRADING
C2.0	PRIVATE DRIVE PLAN AND PROFILE
C2.1	CHRISTENSEN LANE - 1+00 TO 2+85
C2.2	CHRISTENSEN LANE - 2+85 TO 4+85
C2.3	CHRISTENSEN LANE - 4+85 TO 6+85
C2.4	CHRISTENSEN LANE - 6+85 TO 8+85
C2.5	CHRISTENSEN LANE - 8+85 TO 10+65
C2.6	CHRISTENSEN LANE - 10+65 TO 12+85
C3.0	CHUTEY PLAN & PROFILE

A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W. OF THE 6TH P.M. CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



PROJECT #	AC2130
PROJECT DATE	11/10/2022
DESIGNER	EMR
REVIEWER	CVM

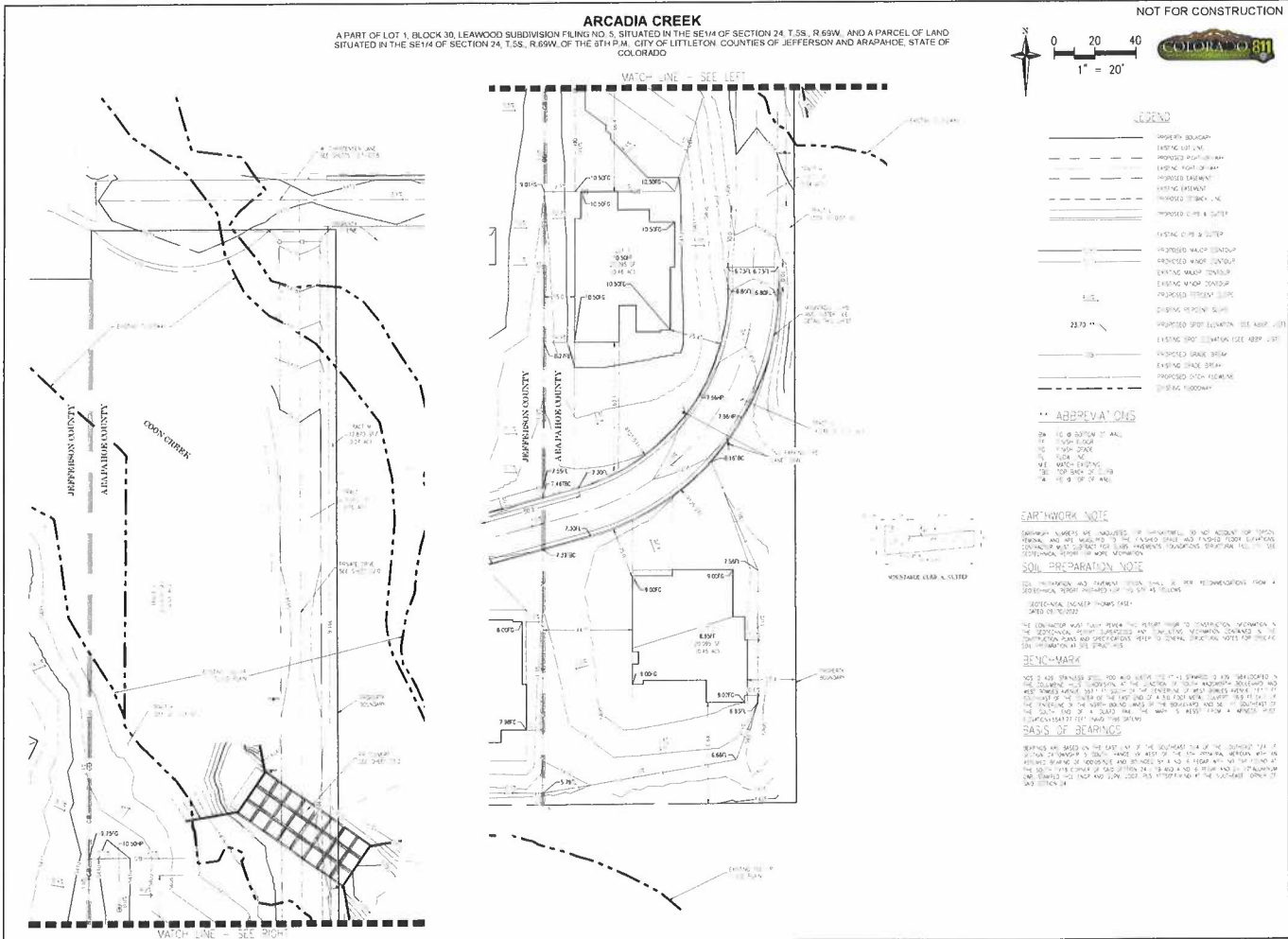


CONSTRUCTION DOCUMENTS

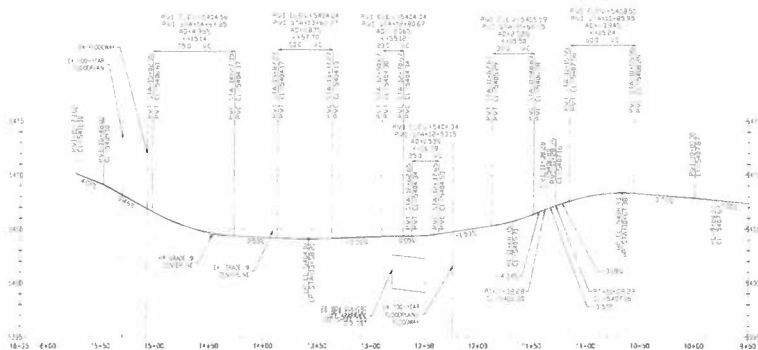
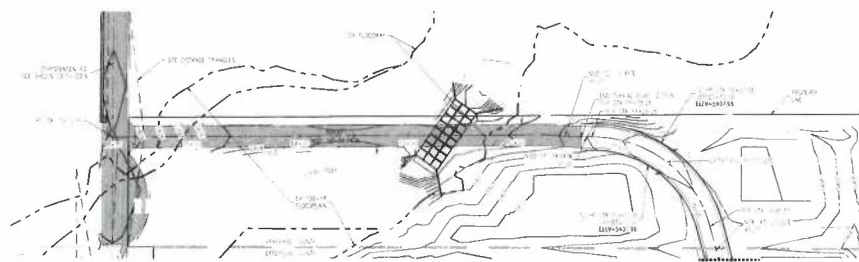
ARCADIA CREEK
WOOD DRIVE AND 5100 WEST CHRISTENSEN
LITTLETON, CO 80123
CHARLES KEENER JR., PE

PAVING, HORIZONTAL CONTROL, AND GRADING		REVISION NUMBER	REVISION DESCRIPTION	DATE
		01	ARMANDO COUNTY SUBMITTAL	11/6/2022

C1.0



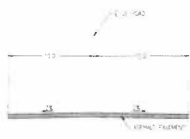
A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., OF THE 6TH P.M. CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



PROFILE CL PAVIL DRIVE STA 9+50 TO STA 16+22
 SCALES: 1"=20' HORIZONTAL 1"=2' VERTICAL



TYPICAL ROAD CROSS SECTION
(NOT TO SCALE)
STA. 11+04.20 TO 11+38.28



TYPICAL ROAD CROSS SECTION
NOT TO SCALE;
STA 11+58.28 TO 15+58.55

1. $\text{C}_2\text{H}_5\text{Br}$ (bromide)
 2. $\text{C}_2\text{H}_5\text{OH}$ (alcohol)
 3. $\text{C}_2\text{H}_5\text{NH}_2$ (amine)
 4. $\text{C}_2\text{H}_5\text{SH}$ (thiol)
 5. $\text{C}_2\text{H}_5\text{S}_2$ (disulfide)
 6. $\text{C}_2\text{H}_5\text{SO}_2\text{H}$ (sulfonic acid)
 7. $\text{C}_2\text{H}_5\text{SO}_2\text{Na}$ (sulfonate)
 8. $\text{C}_2\text{H}_5\text{SO}_2\text{Cl}$ (sulfonyl chloride)
 9. $\text{C}_2\text{H}_5\text{SO}_2\text{NH}_2$ (sulfonamide)
 10. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_2$ (sulfonamide)
 11. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_3$ (sulfonamide)
 12. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_4$ (sulfonamide)
 13. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_5$ (sulfonamide)
 14. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_6$ (sulfonamide)
 15. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_7$ (sulfonamide)
 16. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_8$ (sulfonamide)
 17. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_9$ (sulfonamide)
 18. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_{10}$ (sulfonamide)
 19. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_{11}$ (sulfonamide)
 20. $\text{C}_2\text{H}_5\text{SO}_2\text{N}_{12}$ (sulfonamide)

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BN 10 B BOTTOM Y 44
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IC 10 IN SPAC
FL 10 FLN LNE
ME 10 WATN [EASTING]
TOD 10 TOP SACK OF 100B
TA 10 TO TOP Z 44.1
TR 10 TRIP 44.1
DE 10 DEPTH M 44.1
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NOT PREPARED AND TARIFF DESIGN SHALL BE FOR RECOMMENDING FROM A
REGISTRATION BOARD OFFICE FOR THE STATE AS TO THE
DESIGNATION OF THE TARIFF DESIGN
DATE 01/10/2000

THE CONTRACTOR MUST FIRST REVIEW THIS REPORT PRIOR TO CONSTRUCTION INFORMATION IN
THE DESIGNATION REPORT. THE REPORT PROVIDES ALL RELEVANT INFORMATION (EXCEPT THE
CONSTRUCTION PLANS AND SPECIFICATIONS) PRIOR TO THE DESIGNATION OF THE TARIFF
DESIGNATION AT THE PROJECT.

WAS A 400 WATERSIDE DRIVE, 200 AND 2100 TO THE 3000 AND 4000 1984, 1985 AND 1986 AND 1987. THE 1984 AND 1985 WERE 1984 AND 1985. THE 1986 AND 1987 WERE 1986 AND 1987. THE 1988 AND 1989 WERE 1988 AND 1989. THE 1990 AND 1991 WERE 1990 AND 1991. THE 1992 AND 1993 WERE 1992 AND 1993. THE 1994 AND 1995 WERE 1994 AND 1995. THE 1996 AND 1997 WERE 1996 AND 1997. THE 1998 AND 1999 WERE 1998 AND 1999. THE 2000 AND 2001 WERE 2000 AND 2001. THE 2002 AND 2003 WERE 2002 AND 2003. THE 2004 AND 2005 WERE 2004 AND 2005. THE 2006 AND 2007 WERE 2006 AND 2007. THE 2008 AND 2009 WERE 2008 AND 2009. THE 2010 AND 2011 WERE 2010 AND 2011. THE 2012 AND 2013 WERE 2012 AND 2013. THE 2014 AND 2015 WERE 2014 AND 2015. THE 2016 AND 2017 WERE 2016 AND 2017. THE 2018 AND 2019 WERE 2018 AND 2019. THE 2020 AND 2021 WERE 2020 AND 2021. THE 2022 AND 2023 WERE 2022 AND 2023. THE 2024 AND 2025 WERE 2024 AND 2025. THE 2026 AND 2027 WERE 2026 AND 2027. THE 2028 AND 2029 WERE 2028 AND 2029. 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THE 2290 AND 2291 WERE 2290 AND 2291. THE 2292 AND 2293 WERE 2292 AND 2293. THE 22

BRADIES ARE BASIC ON THE EAST LINE OF THE SOUTHEAST CORNER OF THE SOUTH EAST 1/4 OF SECTION 14, TOWNSHIP 4 S, SOUTH RANGE 10 E, WEST OF THE 100TH MERIDIAN. IN AN ASSUMED BEARING OF 4000522E AND REDUCED BY A 40 S. BEARING AND 40 S. DISTANCE, THE SOUTH 1/4 CORNER OF SAID SECTION 14, IS 40 S. 40 S. BEARING AND 40 S. DISTANCE, FROM THE POINTED OUT CORNER OF THE 100TH MERIDIAN, BEING 40 S. 40 S. BEARING AND 40 S. DISTANCE OF SAID SECTION 14.

PROJECT #	AC2150
PROJECT DATE	11/19/2022
DESIGNER	ENR
REVIEWER	CVR

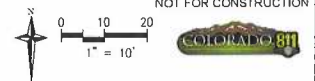


CONSTRUCTION DOCUMENTS
ARCADIA CREEK
FIVE AND 5100 WEST CHRISTIAN
LITTLETON, CO 80123
CHARLES KEENER

[illegible]

C2.0

A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., OF THE 5TH P.M., CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



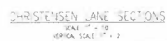
_____ PROPERTY BOUNDARY
 _____ FENCE LINE
 _____ PROPOSED FENCE LINE
 _____ FENCE LINE
 _____ FENCE LINE

28 00 **

```

04  GO TO BOTTOM OF AAL
05  PUSH FLOOR
06  FLOOR GRADE
07  FLOOR LINE
08  MATCH EXISTING
09  TOP OF BAC OF 200
10  GO TO TOP OF AAL
11  TOP OF 200
12  BOTTOM OF 200

```



PROJECT #	AC2123
PROJECT DATE	11/16/2022
DESIGNER	EMR
REVIEWER	CWK



CONSTRUCTION DOCUMENTS

ARCADIA CREEK

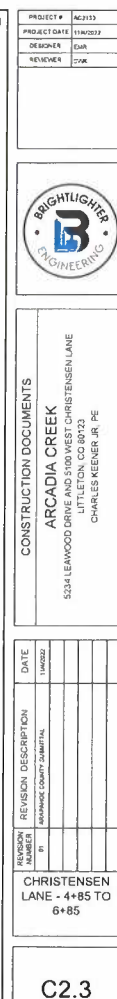
5234 LEANWOOD DRIVE AND 5100 WEST CHRISTENSEN
LITTLETON, CO 80123

CHARLES KEENER JR. PE

[illegible]

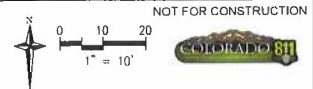
CHRISTENSEN
LANE - 2+85 TO
4+85

C2.2



ARCADIA CREEK

A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.58, R.6W, AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.58, R.6W, OF THE 8TH P.M. CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



LEGEND

- PROPOSED ALIGNMENT
- EXISTING ALIGNMENT
- PROPOSED EASEMENT
- EXISTING EASEMENT
- EXISTING CURB & GUTTER

- PROPOSED WALF CONTOUR
- PROPOSED WALF CONTOUR
- EXISTING WALF CONTOUR
- EXISTING WALF CONTOUR
- PROPOSED PERCENT GRADE
- EXISTING PERCENT GRADE
- PROPOSED GROUND ELEVATION (SEE SHEET 101)
- EXISTING GROUND ELEVATION (SEE SHEET 101)
- PROPOSED GRADE BREAK
- EXISTING GRADE BREAK
- PROPOSED SPOT ELEVATION

ABBREVIATIONS

- 10' 0" BOTTOM 2' 44"
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR
- 1' 0" FLOOR



END OF SECTION
STA 6+35 TO 6+55
STA 6+55 TO 6+85
SCALE: 1"=10'

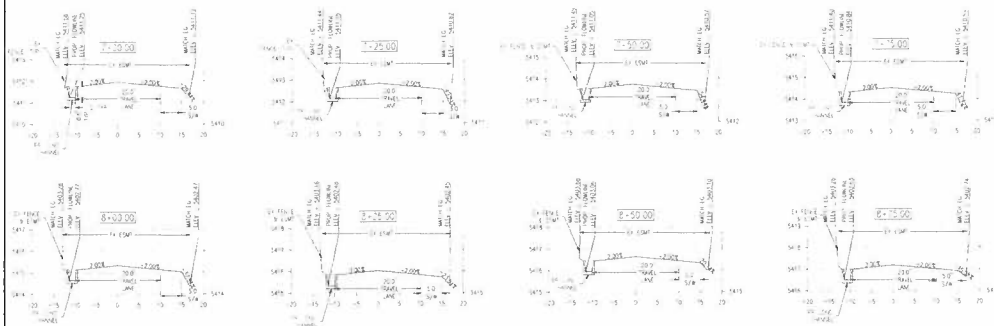
CHRISTENSEN LANE PLAN

STA 6+35 TO 6+85

SCALE: 1"=10'

PROFILE CHRISTENSEN LANE CL. STA 6+35 TO STA 6+85

SCALE: 1"=10' HORIZONTAL, 1"=2' VERTICAL



CHRISTENSEN LANE SECTIONS

SCALE: 1"=10'

PROJECT #	AC2010
PROJECT DATE	11/20/09
DESIGNER	CMR
REVIEWER	CMR

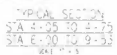


CONSTRUCTION DOCUMENTS
ARCADIA CREEK
5234 LEAWOOD DRIVE AND 5100 WEST CHRISTENSEN LANE
LITTLETON, CO 80123
CHARLES KEENER, JR., P.E.

REVISION NUMBER	REVISION DESCRIPTION	DATE
1	AMERICAN COUNTY SUBMITTAL	11/20/09
2		
3		
4		
5		
6		
7		
8		
9		
10		

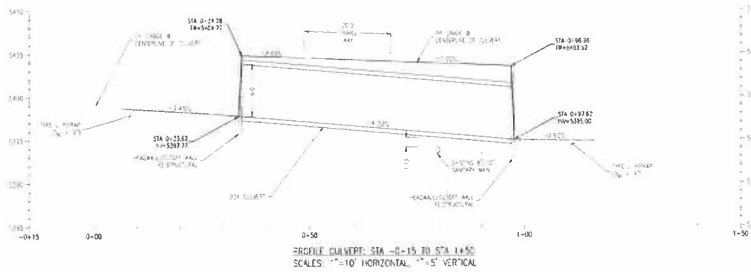
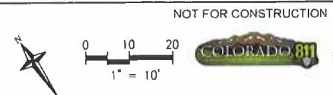
CHRISTENSEN LANE - 6+85 TO 6+85

C2.4

[illegible]

C2.5

A PART OF LOT 1, BLOCK 30, LEAWOOD SUBDIVISION FILING NO. 5, SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., AND A PARCEL OF LAND SITUATED IN THE SE1/4 OF SECTION 24, T.5S., R.69W., OF THE 6TH P.M., CITY OF LITTLETON, COUNTIES OF JEFFERSON AND ARAPAHOE, STATE OF COLORADO



PROFILE CULVERT: STA 0+15 TO STA 1+50
 SCALES: 1"=10' HORIZONTAL, 1"=5' VERTICAL

[illegible]

LOCAL DESCRIPTION

a date of 01 DEC 85 (ARNDT JOHNSON HAS NO S TARGETS OF AND STATED
 HE SEEN A 17 YEAR OLD S. 16 AND A TARGET OF AND ALSO HE THOUGHT
 HE SEEN A 17 YEAR OLD S. 16 AND A TARGET OF AND ALSO HE THOUGHT
 AND WARRIOR STATE OF COLORADO

35% CUM MARK

[illegible]BASIS OF BEARINGS

REARMS ARE SITED IN THE EAST END OF THE SOUTHEAST CORNER OF THE SOUTHWEST CORNER OF SECTION 15-35-21-10. RANGE 101 WEST OF THE 101 WEST MERIDIAN. BEARING 115 DEGREES 00' 00" AND 100 DEGREES 00' 00" TO THE 101 WEST MERIDIAN. BEARING 115 DEGREES 00' 00" TO THE 101 WEST CORNER OF SAG SECTION 28. 10 AND 101 WEST CORNER OF SAG SECTION 28. SAG SECTION 28. 10 AND 101 WEST CORNER OF SAG SECTION 28.

PROJECT #	AC2130
PROJECT DATE	11/10/2012
DESIGNER	EDW
REVIEWER	CVK



CONSTRUCTION DOCUMENTS

ARCADIA CREEK

LITTLETON, CO 80123
CHARLES KEENER JR, PE

REVISION NUMBER	REVISION DESCRIPTION	DATE
01	ADD BASIC COUNTY SUBMITTAL	1/16/02

C3.0

From: [Bob Lazzeri](#)
To: [Molly Orkild-Larson](#)
Subject: Re: Proposed New Culvert on Christensen Lane
Date: Tuesday, October 17, 2023 4:16:39 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Molly- thank you for your timely response. Yes, I look forward to participating in public hearings. Please advise when you know more.

Just one more thing. We built this home and have lived here for more than 27 years. We were fully aware of the flood plain behind us and became comfortable with periodic flooding based on how the water spread behind the current culvert to the west which prevented a narrowed "fire hose" stream flow. The proposal erases this historical flow and directs 3-4x as much water directly at the bank between our home and the creek. Obviously very concerning and upsetting to me.

Thank you for your ear and suggestions.

Bob Lazzeri
Latigo Capital, LLC

On Oct 17, 2023, at 8:38 AM, Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com> wrote:

Mr. Lazzeri:

Thank you for sharing your concerns with me. I understand that removing established trees and the placement of wing walls on your property would be upsetting. I'll include your email with the staff reports for the Planning Commission and Board of County Commissioner hearings. To make sure you're heard; I would suggest attending the public hearings (in person or virtually) and voicing your concerns. In my staff report I will also list all the concerns that the neighborhood has with the proposed development. The applicant is still addressing staff comments therefore no public hearings have not been scheduled but you will be notified of these hearings.

The County engineering staff and SEMSWA are reviewing the drainage for the project, and I look to them for guidance and recommendations since this is not my area of expertise. I could talk further with you about your concerns but the most appropriate

staff to answer your questions would be our engineers and SEMSWA.

Please don't hesitate to contact me if you have any further questions or concerns.

<image001.png>

Molly Orkild-Larson, RLA, AICP
Principal Planner
Public Works and Development
Planning Division
6924 S. Lima Street, Centennial, CO 80112
Office: 720-874-6658
Email: morkild-larson@arapahoegov.com

From: Bob Lazzeri
Sent: Tuesday, October 17, 2023 7:46 AM
To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>
Subject: Proposed New Culvert on Christensen Lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Molly- my name is Bob Lazzeri. My wife, Elizabeth and I own the residence at 5046 Christensen Drive in Littleton.
Yesterday, I had the opportunity to meet on site with Chuck Haskins from the county and Tiffany Clark at SEMSWA.

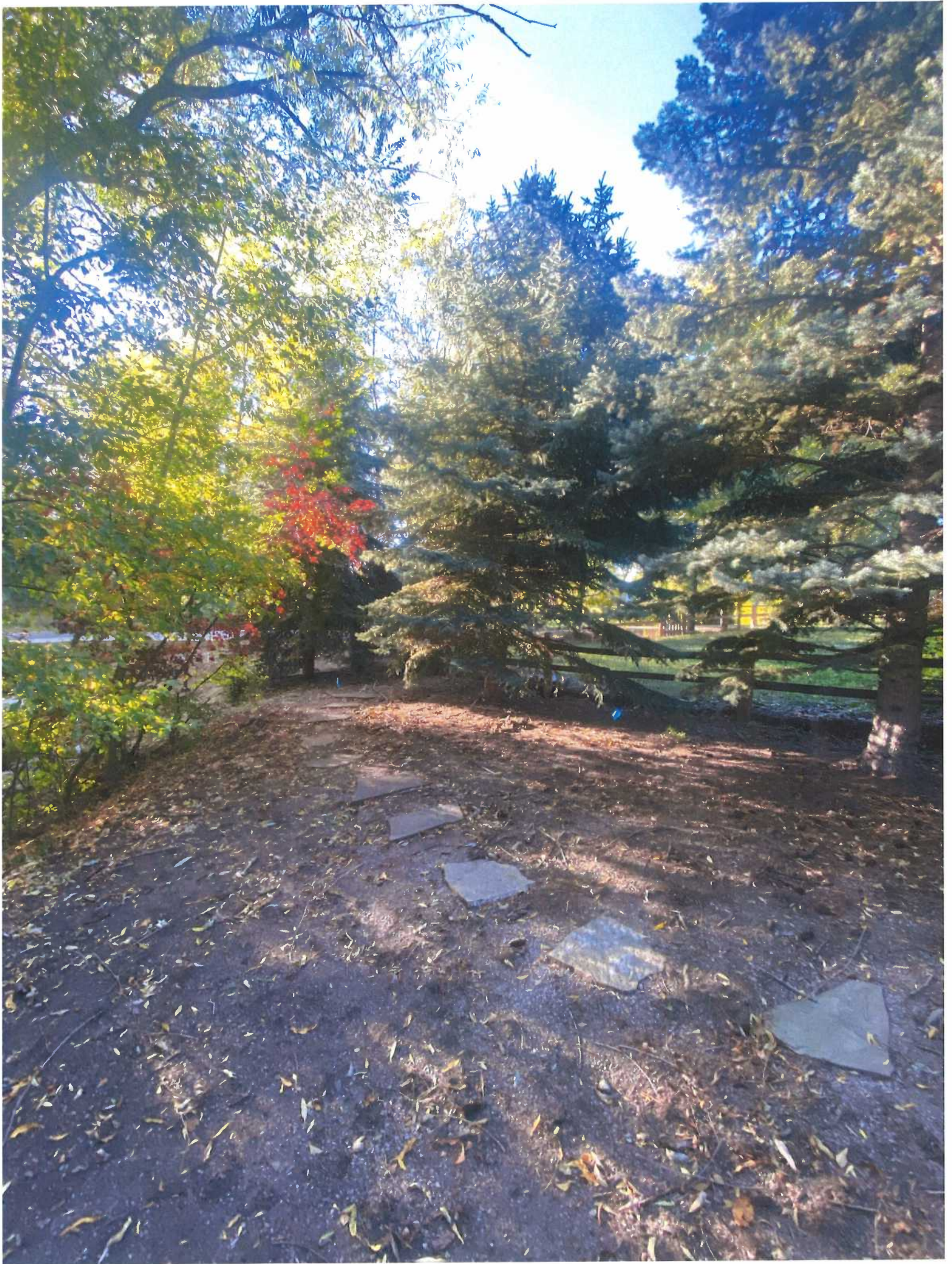
Much to my chagrin, Chuck confirmed the proposed incursion onto our lot of approximately 30' to construct wing walls for a new culvert under Christensen. Not only would excavation need to come in 30' but we would certainly lose three mature blue spruce trees and other vegetation that is both esthetically beautiful and provides a critical sound buffer to road and construction noise.

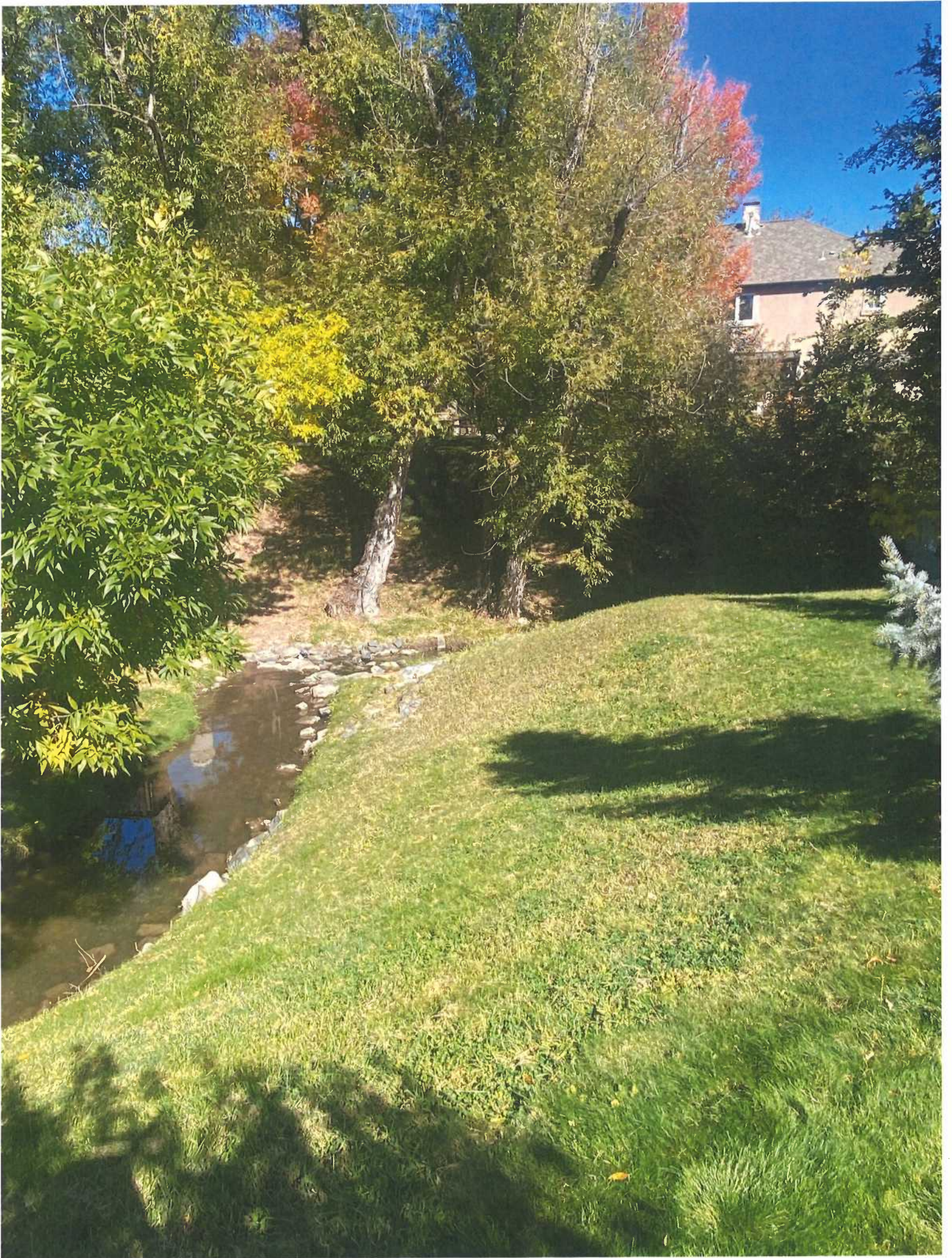
One other major concern is the impact downstream of any new culvert I did not walk away from my time at the meeting with a good feeling about any analysis and review of what happens to the east of the proposed culvert with a much higher water velocity directed directly towards my home and back yard. Please see the photo attached where water, as opposed to flooding the area, will be channeled with increased velocity directly at my home and back yard.

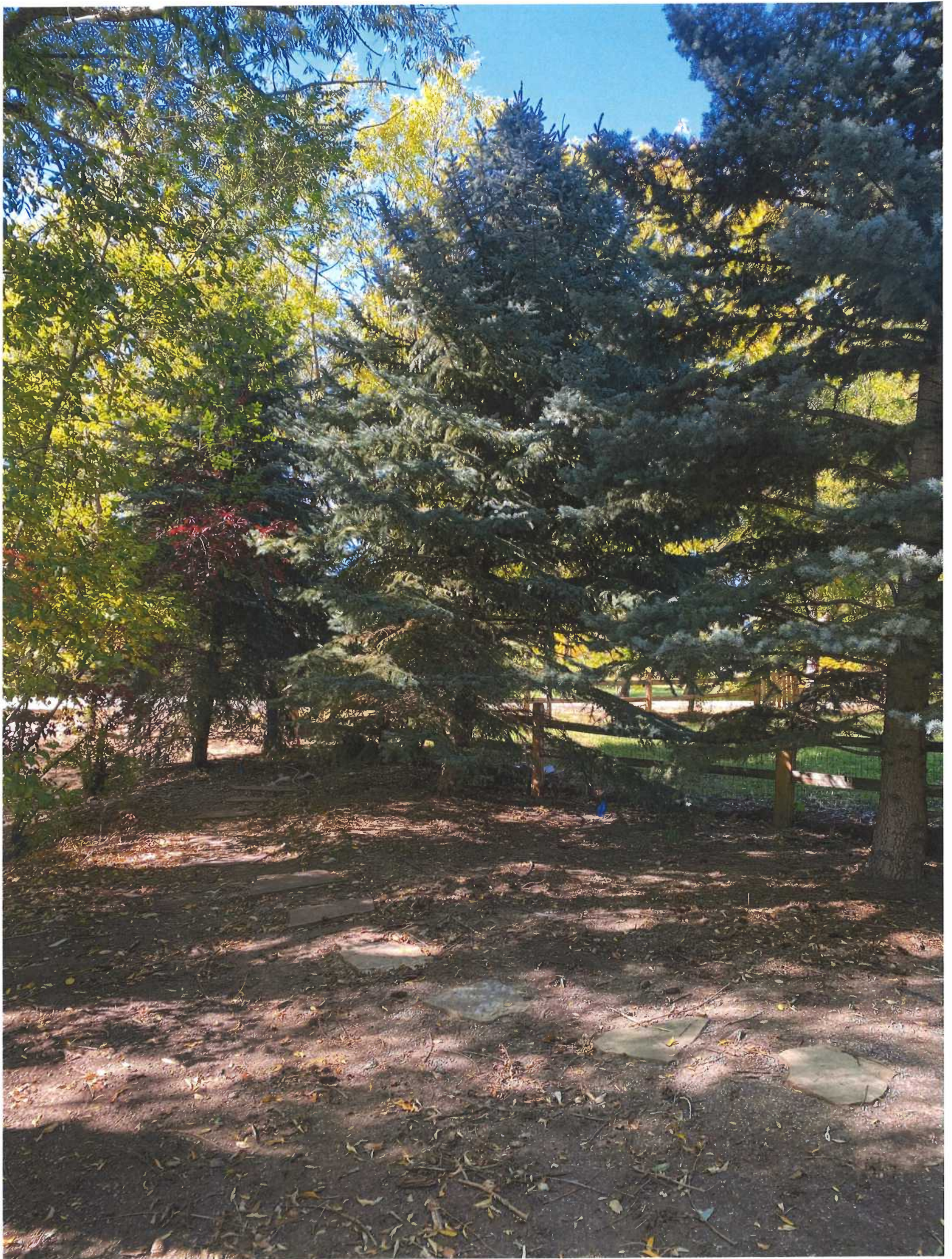
I would be most happy to discuss this in detail with you, but in the meantime please note our strong objection to the proposed culvert and we dispute any notion that the developer or SEMSWA has any easement to construct on our property.

Thank you for your attention to this matter.

Bob Lazzeri
Latigo Capital, LLC







From: [Marilyn McGee](#)
To: [Joseph Boateng](#); [Molly Orkild-Larson](#); [Robert Victor](#); [Tiffany Clark](#)
Subject: Arcadia Creek Proposed Development
Date: Monday, July 22, 2024 8:11:18 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Marilyn McGee and my husband and I have lived at 4420 W Christensen Ln, Littleton, CO 80123 for 33 years. Naturally we are concerned about the Arcadia Creek Development's proposed use of our lane and the increased traffic it will cause if the Jeffco portion of the project is allowed to put a road thru the Arapahoe County portion of the project thus allowing all 25 homes access to our little lane.

Will Arapahoe County require the developer to make improvements to the west end of Christensen Lane in order to allow for the additional traffic? Right now it appears that nobody has the legal right to remove all of the trees and shrubbery along the lane. As a matter of fact half of the largest cottonwood tree on the north side of the lane is on private property so it may not be possible for him to remove it.

I also know that the developer tore down the old farm house on his property without obtaining an Arapahoe County permit so he obviously either isn't familiar with Arapahoe County regulations or chooses to ignore them when he thinks he can get by with it. And he is proposing to widen the culvert along the private drive leading to the lane which will require going into private property which he thinks he can do without a legal easement.

Molly Orkild-Larson-Larson did tell me that there are still some issues the developer needs to address and I am wondering if making improvements to the lane is one of the issues.

From: [Marilyn McGee](#)
To: [Molly Orkild-Larson](#)
Subject: Re: Arcadia Creek Proposed Development
Date: Tuesday, July 23, 2024 3:45:11 PM
Attachments: [image001.png](#)

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Thank you for your quick response Molly. I would like to know if Arapahoe County is requiring the developer to make improvements to the west end of the lane which is in very rough condition and certainly not able to allow for two way traffic plus pedestrian traffic if he wants to use it for the Jeffco portion of his development?

Thank you,

Marilyn McGee

On Tue, Jul 23, 2024 at 2:05 PM Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com> wrote:

Marilyn:

See our comments below in red.



ARAPAHOE COUNTY

Molly Orkild-Larson, RLA, AICP

Principal Planner

Public Works and Development

Planning Division

[6924 S. Lima Street, Centennial, CO 80112](#)

[Office:](#) 720-874-6658

[Email:](mailto:morkild-larson@arapahoegov.com) morkild-larson@arapahoegov.com

From: Marilyn McGee

Sent: Monday, July 22, 2024 8:11 AM

To: Joseph Boateng <JBoateng@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Robert Victor <RVictor@arapahoegov.com>; Tiffany Clark <tclark@semswa.org>

Subject: Arcadia Creek Proposed Development

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My name is Marilyn McGee and my husband and I have lived at [4420 W Christensen Ln, Littleton, CO 80123](#) for 33 years. Naturally we are concerned about the Arcadia Creek Development's proposed use of our lane and the increased traffic it will cause if the Jeffco portion of the project is allowed to put a road thru the Arapahoe County portion of the project thus allowing all 25 homes access to our little lane.

Will Arapahoe County require the developer to make improvements to the west end of Christensen Lane in order to allow for the additional traffic? **The developer is proposing improvements to Christensen Lane and Arapahoe County has reviewed that application for conformance to County standards. The County has requested that the developer clarify underlying land ownership and land use rights for Christensen Lane. We are awaiting this information from the developer.**

Right now it appears that nobody has the legal right to remove all of the trees and shrubbery along the lane. As a matter of fact half of the largest cottonwood tree on the north side of the lane is on private property so it may not be possible for him to remove it. **At this time, the County can't answer your questions about what vegetation may or may not be removed along Christensen Lane. As stated above, the County has requested that the developer clarify underlying ownership and land use rights for this road.**

I also know that the developer tore down the old farm house on his property without obtaining an Arapahoe County permit so he obviously either isn't familiar with Arapahoe County regulations or chooses to ignore them when he thinks he can get by with it. **Thank you for letting the County know that this building has been torn down, we'll investigate if this action was permitted.** And he is proposing to widen the culvert along the private drive leading to the lane which will require going into private property which he thinks he can do without a legal easement.

Molly Orkild-Larson-Larson did tell me that there are still some issues the developer needs to address and I am wondering if making improvements to the lane is one of the issues. See County requests stated above.

September 11, 2023

To: Molly Orkild-Larsen, Principal Planner, Arapahoe County Planning and Land Development morkild-larsen@arapahoegov.com

CC: Jason Reynolds, Planning Division Manager, Arapahoe County Planning and Land Development planning@arapahoegov.com

Jennifer Ludwig, Public Health Director Arapahoe County Public Health jludwig@arapahoegov.com

Heather Tolby Baumgartner, Director of Partnerships, Planning and Community Health Promotion at Arapahoe County Public Health. htolby-baumgartner@arapahoegov.com hbaumgartner@arapahoegov.com

Dear Ms. Orkild-Larsen,

I'm writing you today concerning the proposed motor vehicle access use of Christensen Lane by the Arcadia Creek development, which will contain 23 homes in Jefferson County and two in Arapahoe County. I strongly oppose the motor vehicle access along Christensen Lane from the homes in Jefferson County (Jeffco), as they already have a direct route onto Leawood Drive in Jeffco, and the transformation of this walkable lane into an auto centric road will negatively impact the health and wellbeing of nearby residents in both counties. This change would adversely impact mental health and wellbeing, physical health, and community connection, lead to possible increases in crime and to more pedestrian/cyclist accidents. Additionally, this move is contrary to the stated aims of both Arapahoe County Planning and Public Health Departments in their current plans and assessments.

Christensen Lane has long been closed to any incoming motor vehicles from Jefferson County, and has minimal traffic from the homes along its length. It has long been used by the community neighbors, such as myself and my family, for walking, biking, and healthy access to Wilder Elementary School, as well as by energy efficient golf carts. Neighbors meet each other along this pathway, providing a valuable asset for community connection and safe eyes-on-the-street, which help support mental health and prevent crime. These uses would be severely impeded by the proposed motor vehicle access.

Over the 23 years we've lived nearby, my family has used this lane for walks and bike rides. It is the only safe access from our home in the Columbine Lakes subdivision to the walking parks and bike trails in Jeffco. (Alternate routes are distant and along very busy and unsafe thoroughfares of Bowles Avenue or Cole Mine Road). It's a favorite of mine because it is the only way I can walk from my home without being alongside the noise and smell of traffic. Now that I am elderly, the wide, flat path is accessible to me throughout the year. A favorite spot of mine is a park just beyond the end of the lane, Raccoon Holler Nature Park. This walk literally saved my mental, social and physical wellbeing throughout the pandemic. In younger days, I biked with my husband and son through the lane deep into Jeffco, along bike paths that continue throughout Colorado. I know I'm not alone: I've met friends from neighborhoods to the east of Platt Canyon for walks down the lane; Once I met an elderly man from Jeffco who walks many miles a day using the lane to reach the Platte river trails; I've heard from friends that the track youth from Columbine High School use the lane similarly; Horseback riders, remnants of our rural roots, have passed me on my trips; I've traveled this road to register new voters, and to promote candidates of my choice. I've met many of my neighbors in passing on this path. I could go on.

Here are some relevant quotes for this decision from Arapahoe County Plans:

- *Arapahoe County Comprehensive Plan*. pg. 9 "Bicycle and Pedestrian Master Plan (BPMP) provides a vision and direction to create a comprehensive, interconnected system of on-street and trail facilities throughout the county's incorporated and unincorporated areas to encourage walking and bicycling..." pg. 17 "Ensures development is in harmony with the environment by conserving natural areas and environmental quality." pg. 18 "Treats residents fairly in the process of making land use decisions." pg. 19 "Neighborhood Livability... The built environment influences a person's level of physical activity. Physical activity will be promoted by providing convenient access to recreational

facilities such as parks...biking trails... and playgrounds by locating them closer to homes and schools, and ensuring access by people with various levels and limitations."

- *Tri-County Health Department/ 2022 Community Health Assessment. Arapahoe County, CO.* pg. 7 "What Influences My Health?...Social Connections...Neighborhood Conditions..." pg. 11 "A Healthy Community Is... Where building a sense of belong and social connection is a priority... Where everyone has access to parks, trails and open space, and affordable recreational opportunities." pg. 16 "Social ties can instill a sense of responsibility and concern for others that then lead individuals to engage in behaviors that protect the health of others, as well as their own health." pg. 43 "A happy, healthy, and thriving community provides safe and clean outdoor spaces and living conditions..." pg. 50 "A healthy community is one where everyone has access to a safe green environment to live, work and play." pg. 57 "The built environment has been shown to be related to physical activity and obesity....Having access to parks and open space provides mental health benefits, as well as opportunities for physical activity...Planning neighborhoods with daily health and wellness needs in mind—such as...safe sidewalks, designated bike lanes...can improve the health and wellbeing of residents and all Coloradans." Pg. 58 "What Our Community Said...Neighborhood infrastructure and built environment were mentioned as important parts of happy, healthy, thriving communities." pg. 60 "Four unhealthy behaviors—tobacco use, poor nutrition, physical inactivity, and excessive alcohol consumption—are the leading causes of preventable disease, disability and premature death in the United States each year." pg. 62 "People of all ages can benefit from more physical activity."

I would like to know how Arapahoe County has integrated the aims above into their decision making concerning transforming Christensen Lane from a community asset for neighborhood connection, physical activity, and a safe route to school into an auto-centric road--only for the convenience of 23 homes having a *second* road access for their automobile trips. I would like to know how this proposed change would be more important than the health and wellbeing of the neighboring communities. How many people live within walking distance of Christensen Lane? Within biking distance? How many children who live along the lane attend Wilder Elementary? How many potentially into the future? All of these people would lose a valuable community asset for their health and wellbeing. How many small golf cart trips would be replaced by auto trips? How would this be consistent with County goals regarding air quality and climate change impacts? Have you surveyed these people to see how else they may be impacted by this change? It would be contrary to the stated aims of the County to approve this change, momentous to these of us who live nearby, without investigating these impacts and reporting them to the community in a timely manner for their participation in the decision-making of the County Planning Commission and the Board of Commissioners. For advice on these parameters, I would urge you to link with Arapahoe County Public Health leadership and staff.

Thank you for your consideration of my concerns. I await your response once you have looked into the factors above. I would be thankful if you would inform the County Planning Commissioners of my concerns and your findings.

Sincerely,
Stacey McConlogue, MPH

From: [Tiffany Clark](#)
To: [Marilyn McGee](#)
Cc: [Joseph Boateng](#); [Molly Orkild-Larson](#); [Chuck Haskins](#); [Robert Victor](#); [Dan Olsen](#)
Subject: RE: Flooding Along Racoon Creek
Date: Monday, July 24, 2023 9:03:50 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning, Marilyn,

Thank you for reaching out regarding your bridge and concerns with the proposed development. It has been an extremely wet year and we have experienced a lot of flow throughout the creeks within Arapahoe County, including Dutch and Coon Creeks. Though the flows in Dutch Creek have been higher than normal this year, they have been significantly lower than the flow rate that the mapped floodplain is based on. The flow within the creek should be within the floodplain limits, though they may be higher than you typically see. In addition, there has been a lot of hail causing more debris within the creeks. Bridges within floodplains often catch debris and current criteria does not allow them under certain storm events to prevent such buildup of debris.

As for the proposed development, it is currently in for the 2nd review. The development is proposing two onsite detention and water quality facilities which are within the Jefferson County portion of the site, and will detain up to the 100-yr storm event. These detention facilities will provide flow to be discharged at historic (undeveloped) rates once the site is developed. As there is detention provided, the flow rate is not anticipated to increase. The proposed culvert along Coon Creek at the private drive is replacing the existing culvert and is proposed to pass the 10-yr storm event, which is significantly larger than what it can pass in the existing conditions. The current culvert is significantly undersized for the existing flow within the creek, which causes flows to overtop the drive during smaller storms. The new culvert will not increase the flow within the creek, it will accommodate the existing flow to be better conveyed through the culvert and reduce the overtopping that occurs at the drive. The overtopping will not be eliminated in large storms, but it will be significantly improved for the smaller storms.

Lastly, improvements to Dutch Creek is on our Capital Improvement Project list, and we have just started looking at getting a project started. The project limits and timing are not yet known and there is not yet funding for this project.

If you have any other concerns or questions, please feel free to reach out.

Respectfully,
Tiffany Clark, PE, CFM

Land Development Engineering Manager
Southeast Metro Stormwater Authority

7437 South Fairplay Street
Centennial, CO 80112
(303) 858-8844
tclark@semswa.org

From: Marilyn McGee
Sent: Friday, July 21, 2023 2:05 PM
To: Tiffany Clark <tclark@semswa.org>
Subject: Flooding Along Racoon Creek

Hello Tiffany,

My husband and I have lived on Christensen Lane for 30 years and are finding that the flooding along the creek that runs behind our house continues to worsen every year that we have heavy rains which seem to be occurring more and more frequently. Last summer and again this summer our bridge over the creek behind our house has been buried by debris carried down stream by the floods and the banks along the creek are badly eroded. We have reported this issue in the past but nothing ever came of it.

Now we are even more concerned with the proposed development at the west end of Christensen lane because it will cause the flooding to be even worse. All of the open land on the property that could absorb some of the rain will now be covered with homes, driveways and roads forcing the rain water into the creek. And we understand the developer has plans to increase the size of the culvert to stop the flooding along the private drive from his proposed development forcing more rain water down stream thus increasing the flooding for all of the properties downstream from the culvert.

We are hoping that SEMSWA will come up with a plan that protects all of the properties that are impacted by flooding along this creek including those along Christensen Lane, Pedicord Stables and properties in the Columbine area east of us.

I am attaching a few pictures of our bridge that is severely damaged by the flooding as well as the creek banks.

Sincerely, Marilyn McGee and Jon La Breche

From: [Marilyn McGee](#)
To: [Molly Orkild-Larson](#)
Subject: Arcadia Application for Two homes bordering on Christensen Lane
Date: Wednesday, November 30, 2022 2:23:20 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It is my understanding that Arcadia has submitted an application to build two homes bordering on Christensen Lane to Arapahoe County per your email to D J Steines dated November 17, 2022. However, one of our neighbors who lives next to this property stated that when their engineer called Arapahoe County regarding this application, they were told this was another Arcadia development in Arapahoe County not the one Bordering on Christensen Lane.

Can you tell me if Arcadia has submitted an application to build two homes bordering on Christensen Lane?

Thank you,
Marilyn McGee

Date: August 31, 2023

To: Molly Orkild-Larsen and Chuck Haskins

From: Marilyn McGee and Jon La Breche

Re: Proposed Arcadia Creek Development

We are writing to protest the Arcadia Creek proposed development at the west end of Christensen Lane in Arapahoe and Jefferson Counties. My husband and I strongly oppose the developer's plan to provide access for the 23 homes on the Jefferson County portion of his property to Christensen Lane. He has direct access to this property from Leawood Drive which is a standard size paved neighborhood street. Allowing access for these 23 homes thru the Arapahoe County portion of the property plus the two homes on the Arapahoe County section will nearly double the traffic down our quiet private lane which is not designed for heavy traffic.

My husband and I have lived on Christensen Lane for 32 years and have loved the feel of a "little bit of country in the city" that Christensen Lane offers. Christensen Lane was originally designed in 1917 as a private road leading to the Christensen family farmhouse at the end of the lane when the entire property was in Arapahoe County. I won't go into the entire history of the lane but it has seen a lot of changes throughout time. In the 1970's five homes were built along the lane on acreage. Then in early 1990's Christensen Lane Estates was developed on the far east end of the lane which had very little impact on the traffic along the lane.

In 1995 a developer purchased several acres at the west end of the lane which he planned to put 31 homes on and he hoped to widen the lane taking a portion of our front yards to do so. So we filed a law suit to stop the development. Eventually we reached a compromise in which he agreed not to take a small section of our front yards and we were forced to grant him access to his property because it was the only access he had. This development is Fox Hollow. We also required him to put a barrier at the west end of the lane to prevent any traffic from Jefferson County residents. And the developer was required by Arapahoe County to make certain improvements to the lane in order to accommodate the additional traffic. This included paving the road which was done from the east end of the lane west to the entrance to Fox Hollow.

The portion of the lane west from the entrance to Fox Hollow to the very end of the lane has remained unpaved and a rough road since then. It includes some very large cottonwood trees and a lot of shrubbery which is to be left "as is" according to the original judgement in our lawsuit with the Fox Hollow developer.

Now the Arcadia Creek developer is asking Arapahoe County to approve a road thru the Arapahoe County portion of his property where he plans to build two additional homes so he will have access to our lane for all 23 homes in the Jefferson County portion of his project. He has excellent access for the 23 homes on Leawood Drive which leads to Pierce Street going west

and Bowles Avenue going north. He has not explored the option of an alternative route going directly north of his property on Sheridan Avenue to Bowles all on city streets as opposed to a narrow private lane.

Allowing this development access to Christensen Lane for the 23 Jeffco homes not only increases the traffic on the lane by nearly double the current amount, it produces very serious safety concerns for our neighbors who have elementary school age children riding their bikes or walking to and from Wilder Elementary School Monday thru Friday. It makes it a lot less safe for people walking their dogs, riding their bikes, and runners who use the lane all day long every day. And those of us whose homes face the lane are at risk of being hit by a car or truck unless we use extreme caution as we pull out onto the lane. This risk will only increase if the access is approved by the county for the 23 homes in Jeffco.

The developer's "half baked" design for improving the west end of the lane is in no way consistent with what the county required of the Fox Hollow developer when he wanted to build 5 more homes than Arcadia Creek proposes. I would hope Arapahoe County would be consistent in what is required of the Arcadia Creek developer to improve the west end of the lane for the sake of safety for all of the pedestrians and the traffic this will create if this access is approved.

Another serious concern we have as home owners along the lane whose homes also back to Coon Creek is the impact a much larger culvert will have on flooding along the creek. The culvert I am referring to is the culvert the developer hopes to install near the East entrance to the project under the driveway to the entrance. The purpose of the culvert is to divert flood water that covers the driveway and floods some of the yards that back to the driveway. By diverting that flood water thru the culvert more water will be allowed to flow downstream faster further eroding the banks along the creek and causing additional damage to our bridge which was built over the creek in 1979.

Christensen Lane is already very heavily used for the type of narrow road it is and is not designed for the very heavy increase in traffic this proposed development would make. We urge Arapahoe County not to allow this road thru the Arapahoe County portion of the project for the Jeffco portion of his plan.

From: msnorman

Sent: Tuesday, May 14, 2024 12:55 PM

To: Public Works <PublicWorks@arapahoegov.com>

Subject: Arcadia Creek development, case # PM22-006

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Hello,

Last week (5/8/24), I emailed the following to Molly Orkild-Larson, as directed by her assistant, Kim, but have not received a response:

I live in one of the subdivisions along Christensen Lane and hope you can answer a few questions in regards to this planned development.

1) Who is responsible for the maintenance and replacement of Christensen Lane?

How is the Lane divided?

What portion of the Lane is the responsibility of Arapahoe County, Fox Hollow, and Christensen Lane Estates? Is anyone else responsible for maintaining the Lane?

2) Who is the developer, and what is the developer's plan?

What is the timeline?

3) In what county is the development located?

4) What is the status of the development?

5) What has the developer agreed to with the subdivisions and neighborhoods along the Lane?

Does the developer have the authority to make financial agreements/future HOA assessments with the individual subdivisions?

6) Is there a safety plan for pedestrians, children walking to/from school, golf carts, and bicyclists on the Lane?

7) What entities are involved in this development- neighborhoods, counties, developer, construction, etc?

8) Lastly, what's next with this case?

I appreciate your help and response to these many questions. Many people along the Lane as well as the Leawood neighborhood will be impacted by this proposed development.

Your time and cooperation will be greatly appreciated.

Can you please forward this email with questions to the appropriate party? I would appreciate a response and receiving current information about the Arcadia Creek development.

Thank you for your help.

Sincerely,
Stephanie Norman

From: [Molly Orkild-Larson](#)
To: [ppeppard](#)
Cc: [Land Use Submittals](#); [Joseph Boateng](#)
Subject: Arcadia Creek Minor Subdivision (PM22-006)
Date: Wednesday, December 21, 2022 9:17:00 AM
Attachments: [image001.png](#)
[PM22-006 External Referral Routing Sheet.docx](#)

Patricia:

Our engineering staff has indicated that you are interested in the above application and for me to send the link so that you can review the proposed subdivision.

The applicant is proposing to subdivide 1.92 acres into two single family lots. The Minor Subdivision application can be found at the following link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=22CAP&capID2=00000&capID3=006A8&agencycode=Arapahoe>

Once you have clicked on this link, click on "Record Info" and then click on "Attachments" to view all application materials. Please respond on or before January 12, 2023 and contact me if you have issues accessing the above link.

Please find attached the referral routing sheet for your comments.

Thanks,
Molly



ARAPAHOE COUNTY

Molly Orkild-Larson, Principal Planner

RLA, AICP

Phone: 720-874-6658;

Email: morkild-larson@arapahoegov.com

From: [Patricia Peppard](#)
To: [Molly Orkild-Larson](#)
Cc: [Land Use Submittals](#); [Joseph Boateng](#)
Subject: RE: Arcadia Creek Minor Subdivision (PM22-006)
Date: Wednesday, December 21, 2022 1:14:04 PM
Attachments: [image001.png](#)

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Ms. Orkild-Larson,

Thank you for sending. I am swamped with end of the year work matters that must be completed by no later than 12/31/2022. Therefore, I will review promptly in early January and reach out at that time with any questions, concerns and/or clarifications that we may have. I appreciate the engineering department alerting you to our keen interest.

Happy holidays.

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>
Sent: Wednesday, December 21, 2022 9:18 AM
To: ppeppard(
Cc: Land Use Submittals <LandUseSubmittals@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Subject: Arcadia Creek Minor Subdivision (PM22-006)

Patricia:

Our engineering staff has indicated that you are interested in the above application and for me to send the link so that you can review the proposed subdivision.

The applicant is proposing to subdivide 1.92 acres into two single family lots. The Minor Subdivision

application can be found at the following link:

<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=22CAP&capID2=00000&capID3=006A8&agencycode=Arapahoe>

Once you have clicked on this link, click on "Record Info" and then click on "Attachments" to view all application materials. Please respond on or before January 12, 2023 and contact me if you have issues accessing the above link.

Please find attached the referral routing sheet for your comments.

Thanks,
Molly



ARAPAHOE COUNTY

Molly Orkild-Larson, Principal Planner

RLA, AICP

Phone: 720-874-6658;

Email: morkild-larson@arapahoegov.com

Molly Orkild-Larson

From: Patricia Peppard
Sent: Thursday, January 12, 2023 4:33 PM
To: Molly Orkild-Larson
Cc: Joseph Boateng; Ava Pecherzewski; Land Use Submittals
Subject: Citizen Feedback on PM-2022-006 - Arcadia Creek Minor Plan Sub
Attachments: Arapahoe County PM 2022_006 Arcadia Creek Minor Sub Plat.pdf; Copy Emails JBoateng_SEMSWA_Aug2022_bettercopyMapReach2.pdf

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Ms. Orkild-Larson,

Attached is our feedback on this matter in response to your email sent on December 21, 2022. I am sorry for the slow response but the holidays are very busy and there were many work and family demands since I received your email. Also, I had some difficulties accessing the documents for this project. I have attached a copy of a five-page Letter and I have also attached an eight-page pdf which contains copies of a thread of email communications with Arapahoe County/SEMSWA dated in August 2022. I have attached to the end of the seven-pages of emails a better copy of the map that was included in those emails. It seems it was cut off in part so I added a full copy for review.

If you have any questions about this Letter and attachment, please contact me.

Best regards,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

January 12, 2023

Ms. Orkild-Larson,
Arapahoe County Planning

RE: PM-22-006 Minor Subdivision Plat

Thank you for transmitting the information on the PM-22-006, Minor Subdivision Plat, for Citizen comment. I am sorry for the glitch in the link provided by the County to access the documents. We have now seen documents in full as of today including the No-Rise Hydraulic Modeling Report ("Modeling Report") and the Phase III Drainage Report ("Drainage Report"), among other information, including the historical flooding details for Arapahoe County included in the Modeling Report. Both of those Reports reference the 2008 FHAD for Dutch Creek (and Coon Creek) specifically. We will refer to the 2008 FHAD also in our comments.

We, as owners within Reach 2 as described in the 2008 FHAD and discussed in the submission provided for this project, continue to have flooding concerns related to upstream development without the implementation of remediation measures commented upon in the 2008 FHAD, particularly those in Reach 2. Per the Drainage Report at Page 4, it states as follows: *"The project is proposing the addition of approximately 120,000 square feet of impervious (emphasis added) area, which includes drives, walks, and roofs. The total area disturbance of the project is anticipated to be 8.23 acres, which includes the proposed development and improvements to Christensen Lane."* This is a project, located in both Jefferson County and Arapahoe County, comprising 9.46 acres (note: in some places in the materials, it reports "9.41" acres). Therefore, the vast majority of this project will consist of land designated in the Applicant's documentation as "impervious area."

We continue to also have concerns about water quality since our horses and livestock have historically drunk water from Dutch Creek that runs through our property. Although we provide municipal water in troughs at all times for our animals' use, they frequently prefer to drink from Dutch Creek.

The Flood Insurance Study revised September 4, 2020, for Arapahoe County, which is attached to the Modeling Report as Appendix B, does not specifically indicate that Dutch Creek was studied in the most recent revision. However, as to the general history and background pertaining to Arapahoe County, it states as follows at the numbered Paragraphs:

"2.2. Community Description

Today, Arapahoe County is still basically an agricultural and residential community, with most of the population concentrated in the western one-third of the county. During the past 25 years, the county population has grown rapidly as a result of Denver metropolitan area urbanization and subsequent extensive suburban development. County population figures for 1970 and 1980 are 161,000 and 293,621, respectively. This kind of suburban development pressure is now, and will continue to be, evident in and along the floodplains of Big Dry Creek, Little Dry Creek, Cottonwood Creek, Cherry Creek, Piney Creek, Sand Creek, Coal Creek, and the South Platte River. Residential growth has also occurred along the banks of Box Elder Creek and Comanche Creek.

The county lies within the South Platte River Basin, with headwaters extending into the Rocky Mountains to elevations of 14,000 feet. The waters of the South Platte River have been appropriated for municipal and irrigation usage. The South Platte River in Arapahoe County flows from south to north along the western edge of the county.

The South Platte River in Arapahoe County is a continuous flowing stream, whereas the tributaries are intermittent flowing streams. The South Platte River has two major flooding characteristics-snowmelt and summer thunderstorms. The tributary basins are narrow and have clayey-loam soils. In the undeveloped portions of the basins, the ground cover consists of buffalo grass, willows, and cottonwood trees. Development has occurred up to the channels on the tributaries. The floodplain on the South Platte River in the past was mostly agricultural, but today commercial, industrial, and residential development has encroached onto the floodplain. In various reaches of the floodplains, development pressures continue to exist. The county government is working to retain the open space of the floodplain." (emphasis added)

"2.3. Principal Flood Problems

"The South Platte River flows through the western edge of Arapahoe County in shifting channels in a broad, shallow bed with low, flat overbanks. Streams tributary to the South Platte River are ephemeral and flow in steep, narrow channels; whereas those in the eastern two-thirds of the county flow in wide, flat channels similar to the South Platte River.

All streams studied have had various structural improvements but the intense and infrequent thunderstorms characteristic of the area can generate floods in excess of existing structural capacities. The flood threat throughout the county has not been adequately defined and urbanization has occurred in certain areas without regard to the hazard. (emphasis added)

Flood problems in the area have been the result of not only rare storm events but also of improper floodplain development (emphasis added). Visual accounts of floods have noted that the debris transported by floodwater contained natural debris, such as trees, rock, and soil, but consisted chiefly of items foreign to the floodplain, such as houses, bridges, automobiles, heavy equipment, lumber, house trailers, butane storage tanks, and other flotsam. With these items obstructing bridges and culverts, flood levels rose and caused more extensive damage. Property which was not structurally damaged by flood depths and velocities experienced much damage and cleanup cost resulting from mud and silt deposition and erosion."

We have expended significant funds in our 22+ years of ownership on clean-up costs for this type of debris related to flooding events and this has continued to increase through more recent dates.

"2.4. Flood Protection Measures

"The UDFCD and Town of Columbine Valley constructed a 100-year capacity channel on Dutch Creek from the South Platte River to Platte Canyon Drive."

The above construction is in Reach 1 of the 2008 FHAD and it is immediately due east of our property. Our property is included in Reach 2.

We noticed a primary focus of the Modeling Report pertained to a Culvert construction and the impact "upstream" on Coon Creek. As you can appreciate, our concerns are about the downstream impact particularly in Reach 2 as described in the 2008 FHAD. There is significant development upstream and the historical recitation of facts in this same Modeling Report points out under 2.3 Principal Flood Problems as quoted above in bold.

As referenced in the quote of *"The UDFCD and Town of Columbine Valley constructed a 100-year capacity channel on Dutch Creek from the South Platte River to Platte Canyon Drive"*, those of us in Reach 2, are wedged in between the significant work and development in the Town of Columbine Valley (which Town was a "stakeholder" in the 2008 FHAD) and the Applicant's upstream property. We are aware that the Town of Columbine Valley had an opportunity to provide input on the 2008 plan after receiving notice of it, and we presume the predecessor in title to the Applicant, who was Jeffrey B. Good, may have also received notice of the public hearings upon which the decisions in the 2008 FHAD are in part based. **Unfortunately, we did not receive notice of the 2008 FHAD public hearings but nevertheless we continue to be subject to the conclusions reported in the 2008 FHAD and the data supplied therein.**

In response to these quoted comments from the Modeling Report, please refer to our attachment to this Letter. This attachment is a copy of a series of emails with Arapahoe County personnel and SEMSWA personnel dated in August 2022. In these communications we are seeking input from the County and SEMSWA on Flood Protection Measures for Reach 2. As you can see, we posed questions particularly about Reach 2 to Arapahoe County who forwarded our questions to personnel at SEMSWA. Those communications and responses are attached and incorporated into this Letter to Arapahoe County per the County's request to Citizens to comment on PM-2022-006.

For clarity, I will quote from the 2008 FHAD included in the Modeling Report regarding the Flood risks and the description of the pertinent Reaches as follows along Dutch Creek: *"A summary of flood hazards is provided here by reach. Dutch Creek Reach 1 : Outfall with South Platte River to Platte Canyon Drive. Upstream of Fairway Lane, two structures are inundated as a result of backwater at the control structure for irrigation water near station 35+00. This backwater extends for approximately 400 feet upstream of the structure. Reach 2 : Platte Canyon Drive to Sheridan Boulevard. Flooding outside of the banks of Dutch Creek results in some inundation of structures on the south bank. Reach 3 : Sheridan Boulevard to Pierce Street. Overtopping of the banks results in some residential structures and properties being inundated during the 100-year event along Dutch Creek."*

We can confirm factually that we are aware of inundation of property also on the NORTH side of Dutch Creek in Reach 2. This is not just limited to the south side as stated in the 2008 FHAD. As we have pointed out in other communications with Arapahoe County (and even Jefferson County), hydrology is not an exact science. It is based on modeling and from time to time the data can be erroneous and revisions are added but it is not always clear that all revisions are then implemented throughout a particular study and that all of the underlying data is "corrected" or updated accordingly. Therefore, we have concerns about the accuracy of the data and the definitive ability to plan based on that data. But we are aware of the real time impact on our property pursuant to governmental entities approving development without an opportunity for input. This continues to be an ongoing concern for us.

In addition to soliciting Citizen feedback on the Applicant's plan, we would also like to see a concrete plan on how the County/SWEMSA plans to address the remediation recommendations in the 2008 FHAD, especially as urbanization in the western part of the County and particularly along Dutch Creek (and Coon Creek) continues at a significant pace.

The following quote is from the 2008 FHAD which was included, in part, as a component of the Modeling Report and it references errors in the information initially relied upon in the hydraulic modeling for the 2008 FHAD.

"4.9 Recent Studies Incorporated into FHAD

During the course of the hydraulic modeling, it was discovered that FEMA had approved a Letter of Map Revision (LOMR) request for a portion of Coon Creek Reach 14. This LOMR was submitted as part of the Dancing Willows project, and the mapping revisions are between cross section 27749 and cross section 31264, inclusive. The UDFCD provided PBS&J with the HEC-RAS model developed for the Dancing Willows LOMR. This model contained 11 plans, and PBS&J assumed that plan "As-Built AB Flows" was the plan that modeled as-built conditions. The terrain data in this model were referenced to the NGVD29. To convert the elevations to the NGVD88, a factor of +3.02 feet was added to all NGVD29 elevations in the model. This conversion factor was determined using the National Geodetic Survey's North American Vertical Datum Conversion Utility (VERTCON), which is available on-line at <http://www.ngs.noaa.gov/TOOLS/Vertcon/vertcon.html>. The latitude and longitude supplied to the utility were those for Littleton, CO.

The cross section station/elevation information, structure data, and flow rates in the model for the LOMR were then inserted into PBS&J's HEC-RAS model of Coon Creek. The cross sections in the LOMR model were not georeferenced, so their locations in the Colorado State Plane Central project has been estimated as well as possible. The stations in the original RAS model have been modified so that each station number is the distance in feet to the downstream end of Coon Creek. The water surface elevations from the LOMR have been inserted into PBS&J's model using the "Set Internal Changes in WS and EG" feature."

Also contained in Appendix B of the Modeling Report for Arapahoe County was the following information included under ENGINEERING METHODS (part 3).

"3.1. Hydrologic Analyses

Hydrologic analyses were carried out to establish the peak discharge-frequency relationships for each flooding source studied in detail affecting the geographic area of Arapahoe County. Recorded flood information for the majority of the streams studied by detailed methods within Arapahoe County is nonexistent (emphasis added). Good records do exist for the South Platte River and Cherry Creek. Due to the construction of Chatfield Dam, the recorded information on the South Platte River is not applicable. As a result, synthetically derived hydrographs were computed to determine potential flood magnitudes for those streams with relatively small drainage basins in the Denver metropolitan area. These hydrographs reflect the effects of precipitation, ground cover, slope, drainage area, and other physical characteristics of the drainage basins. The synthetic hydrograph method was used on Big Dry Creek, Piney Creek, Cottonwood Creek, Murphy Creek, Cherry Creek, and South Platte River. Where available, hydrologic data were compared with other studies completed in the area (References 30, 34, and 35).

For the large drainage basins to the east of the Denver metropolitan area, flood magnitudes for the selected frequencies were computed using the USGS regional analysis outlined in Water Supply Paper 1680 (Reference 36) for Region B, Area 10. The relationship between flood magnitude and frequency, as portrayed in the composite frequency curve in Water-Supply Paper 1680, was extrapolated to give a ratio of 100- year flood discharge to mean annual discharge as the basis for the regional curve in Figures 1, 2, 3, and 4. The streams whose hydrology was derived from this regional analysis were the upper reaches of Piney Creek and Coal Creek, Lone Tree Creek, 12 Senac Creek, 1-05-4412 Creek, West Box Elder Creek, Box Elder Creek, Kiowa Creek, Wolf Creek., Comanche Creek, Little Comanche Creek, West Bijou Creek, Middle Bijou Creek, and Deer Trail Creek. This curve was used as a comparison for synthetically generated hydrograph flows for each stream in the study. For some streams, the 100- year flood discharge generated by hydrograph methods is higher than the curve would indicate due to the effects of recent urbanization. The South Platte River peak discharges for the 100- and 500-year floods below the dam were computed to reflect information on the operation of Chatfield Dam. For that reason, the South Platte River does not match the USGS regional data. Rainfall data

for the synthetic hydrologic analyses was taken from the UDFCD Urban Storm Drainage Criteria Manual (Reference 37). Synthetic hydrograph procedures used in the study included the Colorado Urban Hydrograph Procedure (CUHP), outlined in the UDFCD Manual (Reference 37), and the COE HEC-1 Flood Hydrograph Package (Reference 38). The 500-year flood discharges for all detailed-study streams were checked by straight-line extrapolation of frequencies previously determined using the procedure of the USGS (References 27 and 36) and compared to the COE Standard Project Flood data when available. Hydrologic analyses included in the Flood Insurance Studies for the incorporated communities of Aurora, Cherry Hills Village, Littleton, and Sheridan were incorporated into the restudy in their entirety with the exception of streams or portions of streams which were superseded by more up-to-date information (References 2, 3, and 5 through 9). In addition, hydrologic data from various engineering reports (discussed in Section 7.0) were used extensively in the restudy of Arapahoe County. The methods used in these reports include CUHP, MITCAT, and Stormwater Management Model (References 10, 11, 12, 13, 14, 15, and 16). Peak discharge-drainage area relationships for the streams studied by detailed methods within Arapahoe County, except Spring Creek and SJCD 6100, are shown in Table 4 and Figure 1 through Figure 4.”

Therefore, the general lack of certain available base data in Arapahoe County along with the types of revisions, corrections, changes and oversights referenced in 4.9 of the 2008 FHAD quoted in the Modeling Report, cause us concern about the type of estimated data used. Our concern is complicated further by the recitation of this type of data as though it is hard science. It is not. Although we can appreciate the work of professionals in supplying the reports upon which governmental officials may rely; we are also aware of the inherent risks in completely relying on this type of data which is used with various modeling ASSUMPTIONS to generate conclusions that are stated as though they are incontrovertible facts. Factoring in actual information that is occurring “on the ground” is also valuable and probative. We provided this type of information in an email Letter, with Attachments, dated August 5, 2022, addressed to Nathan Seymour, with Jefferson County, but where Joseph Boateng with Arapahoe County was also copied. We incorporate all of that information into this Letter by reference.

We submit our comments in an effort to assist the County in its review of the Application submitted in PM-2022-006. We would also welcome feedback from the County as a part of this review regarding its and SEMSWA plans to proactively address flooding concerns for Dutch Creek along Reach 2 especially. This is part of the challenge in providing Citizen feedback and comment. If Arapahoe County continues to approve development applications along Dutch Creek that will impact neighbors it seems this must be part of the overall discussion required based on the Citizen feedback provided. As we said before, we do not want to impair the neighbors from developing their property but we do not want to have them do so if it creates adverse impacts on us. Unfortunately, we are not comforted by the hydrological data submitted, necessarily.

[As an aside, I could not help but wonder about the basis of the hydrological and engineering data that may have been submitted to CDOT by Kiewit (and I assume other engineers) pertaining to the new I-70 tunnel project by the old Stapleton Airport location that flooded significantly from the get-go on the completion of that project. I know it has been reported it had to do with fans etc. but it made me wonder about all of the hydrological and engineering data supplied to CDOT by a reputable engineering group and the assurances and representations made during the approval process for that project. Nevertheless, there was significant flooding consequences for that project and for citizens.]

Sincerely,

Patricia Peppard, Manager
Dutch Creek Properties, LLC

Patricia Peppard

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Thursday, August 18, 2022 2:00 PM
To: ppeppard
Cc: Chuck Haskins
Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

Patricia,
I just got a response from Tiffany at semswa and she responded to your questions in red.

Thanks,
Joseph Boateng
fyi
Mr. Boateng,

Thank you so much for this information. I appreciate you obtaining and sending it so promptly. I have now reviewed what you have sent. I have quoted #4 and #3 immediately below in blue and have a couple of questions about those comments by SEMSWA. I also have a couple of questions about the Map comments which are also quoted in blue below. I have underlined all of our questions for ease in review.

4. Last year SEMSWA requested Dutch Creek be added to the MHFD Master Planning list for a MDP and FHAD. It is currently being considered for 2024.

I understand what FHAD stands for; however, what does MDP means in this context? Also, could you more fully explain to us what is the meaning of #4 quoted in full in blue above and the implications for Dutch Creek?

MDP stands for Major Drainageway Plan. An MDP will evaluate the entire major drainage basin (the entirety of the Dutch Creek basin). During this evaluation, the study will address flow, channel conditions, water quality, vegetation, and other drainageway components and make recommendations for drainageway improvements. Improvements may range from minor and major channel stabilization, channel reconstruction, detention facilities, water quality improvements and others. Sometime improvements are proposed to help remove structures from the floodplain if deemed feasible.

3. The recommended improvements have not been completed, though other improvements to the west have been completed to help mitigate channel erosion and flooding due to debris getting caught under the sanitary sewer line.

When SEMSWA says in #3 *"other improvements to the west have been completed to help mitigate channel erosion and flooding due to debris getting caught..."* does that mean on Dutch Creek and how far west do they mean? Or, is it the area noted on the Map below discussing the Sanitary crossing in the referenced area on Dutch Creek "to the west" actually the specific area on Dutch Creek mentioned in #3 and quoted in this email?

Work was only completed (rock reinforcement) within the vicinity of the sanitary sewer crossing to protect the sanitary sewer and stop erosion due to vegetation blocking the creek at the sanitary sewer.

"Stabilization in this area has not yet been completed" per the Map below and then the Map also reflects two arrows pointing to two locations on the Map.

Our questions are as follows: has the stabilization work been started? If so, where are they in the process of stabilization and when is the anticipated time of completion of the two stabilization projects referenced on the Map below?

No work has been started, nor is there a current project for the two locations called out on the map. We have identified a project within Dutch Creek west of South Platte Road to be budgeted for in the next ten years. The extent of the project and if it includes the two areas identify on the map is unknown at this time and we don't have a more defined timeline for this project. Due to funding and changing proprieties the 10-year project plan is subject to can change each year.

"SWEMSWA has been evaluating this area for stabilization" per the Map below and then there is one arrow pointing to a location on Dutch Creek that is the most westerly on the Map with comments. What goes into this type of evaluation and the timing to proceed? When will a decision be made regarding whether stabilization will or will not occur? How can we find out about the decision to proceed or not proceed with this stabilization work?

SEMSWA visited the area near the sanitary sewer crossing to determine the extent of the issues. It was then placed on a listed and prioritized based on a number of factors (function, safety, external input, environment). This area is currently on our 10-year project plan. Due to funding, permits, design, and priority projects can take many years to be designed and construction.

Joseph Boateng, PE
Engineering II
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: Patricia Peppard
Sent: Wednesday, August 17, 2022 7:45 AM
To: Joseph Boateng <jboateng@arapahoegov.com>
Cc: Chuck Haskins <CHaskins@arapahoegov.com>
Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

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Thank you.

I will follow up with Ms. Clark directly but will also copy you on our communications.

From: Joseph Boateng <jboateng@arapahoegov.com>
Sent: Tuesday, August 16, 2022 3:28 PM
To: ppeppard
Cc: Chuck Haskins <CHaskins@arapahoegov.com>
Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

Patricia,
I have sent your comments to Semswa but you can follow up with them and copy me as well. The person to contact is Tiffany Clark (Tiffany Clark tclark@semswa.org).

Thank you.

Sincerely,

Joseph Boateng, PE
Engineering I
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 720-874-6575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: Patricia Peppard
Sent: Tuesday, August 16, 2022 9:51 AM
To: Joseph Boateng <jboateng@arapahoegov.com>
Cc: Chuck Haskins <CHaskins@arapahoegov.com>
Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

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Mr. Boateng,

Thank you so much for this information. I appreciate you obtaining and sending it so promptly. I have now reviewed what you have sent. I have quoted #4 and #3 immediately below in blue and have a couple of questions about those comments by SEMSWA. I also have a couple of questions about the Map comments which are also quoted in blue below. I have underlined all of our questions for ease in review.

4. Last year SEMSWA requested Dutch Creek be added to the MHFD Master Planning list for a MDP and FHAD. It is currently being considered for 2024.

I understand what FHAD stands for; however, what does MDP means in this context? Also, could you more fully explain to us what is the meaning of #4 quoted in full in blue above and the implications for Dutch Creek?

3. The recommended improvements have not been completed, though other improvements to the west have been completed to help mitigate channel erosion and flooding due to debris getting caught under the sanitary sewer line.

When SEMSWA says in #3 "other improvements to the west have been completed to help mitigate channel erosion and flooding due to debris getting caught..." does that mean on Dutch Creek and how far west do they mean? Or, is it the area noted on the Map below discussing the Sanitary crossing in the referenced area on Dutch Creek "to the west" actually the specific area on Dutch Creek mentioned in #3 and quoted in this email?

"Stabilization in this area has not yet been completed" per the Map below and then the Map also reflects two arrows pointing to two locations on the Map.

Our questions are as follows: has the stabilization work been started? If so, where are they in the process of stabilization and when is the anticipated time of completion of the two stabilization projects referenced on the Map below?

"SEMSWA has been evaluating this area for stabilization" per the Map below and then there is one arrow pointing to a location on Dutch Creek that is the most westerly on the Map with comments. What goes into this type of evaluation and the timing to proceed? When will a decision be made regarding whether stabilization will or will not occur? How can we find out about the decision to proceed or not proceed with this stabilization work?

Thank you again for your assistance in obtaining this information.

Trish

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Joseph Boateng <JBoateng@arapahoegov.com>

Sent: Tuesday, August 16, 2022 9:01 AM

To: ppeppard

Cc: Chuck Haskins <CHaskins@arapahoegov.com>

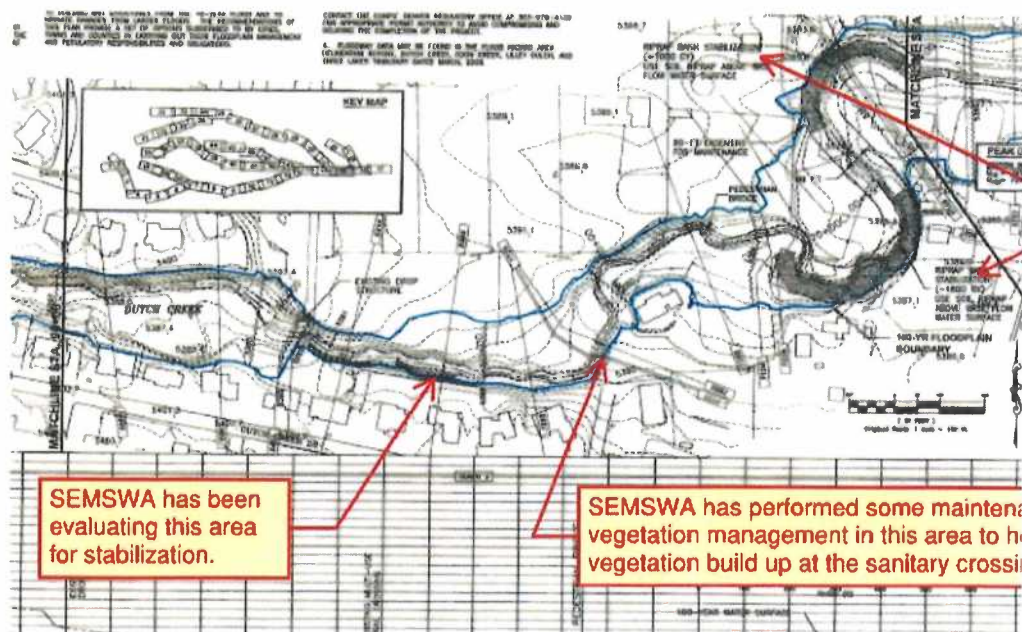
Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

Patricia,

3/15/2017

This is the information I got from Semsua. See notes below:

1. The current effective FEMA floodplain is based on the 2008 FHAD that went through the FEMA Physical Map Revisions process in 2017. No changes have been made to the floodplain since the FHAD.
2. In 2017, this homeowner did try to appeal the PMR.
3. The recommended improvements (per sheet 15) have not been completed, though other improvements to the west have been completed to help mitigate channel erosion and flooding due to debris getting caught under the sanitary sewer line.



4. Last year SEMSWA requested Dutch Creek be added to the MHFD Master Planning list for a MDP and FHAD. It is currently being considered for 2024.

Joseph Boateng, PE
 Engineering I
 Arapahoe County Public Works & Development
 6924 S Lima St, Centennial, CO 80112-3853
 Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: Patricia Peppard
 Sent: Wednesday, August 10, 2022 2:48 PM
 To: Joseph Boateng <JBoateng@arapahoegov.com>
 Cc: Chuck Haskins <CHaskins@arapahoegov.com>
 Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

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Thank you.

From: Joseph Boateng <JBoateng@arapahoegov.com>
 Sent: Wednesday, August 10, 2022 1:32 PM
 To: ppeppard@arapahoegov.com
 Cc: Chuck Haskins <CHaskins@arapahoegov.com>
 Subject: RE: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

Patricia,
I will get back to you soon with any information that I get.

Thanks,

Joseph Boateng, PE
Engineering I
Arapahoe County Public Works & Development
6924 S Lina St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoe.gov <http://www.arapahoe.gov>

From: Patricia Peppard
Sent: Wednesday, August 10, 2022 12:57 PM
To: Joseph Boateng <jboateng@arapahoe.gov>
Cc: Chuck Haskins <CHaskins@arapahoe.gov>
Subject: Question about Dutch Creek Reach 2 - 2008 FHAD - follow up?

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Mr. Boateng,

In light of the ASR filed in Jefferson County by Arcadia Creek, I went back to the 2008 FHAD information I had reviewed in 2016 and early 2017 as a point of reference to assist me in better understanding the ASR request. It caused me to wonder, if there is perhaps updated Flood/Drainageway information now available? If so, could you please let me know? Also, could you provide me the name of any updated Report(s)/information so that I may obtain and review that information as well.

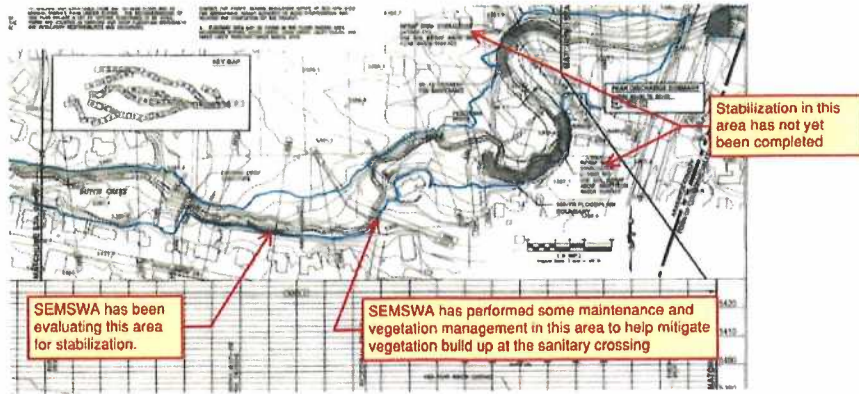
However, in looking at the 2008 FHAD information, I was reminded there was a discussion in the Master Plan portion of the Report (see second to last page of the 2008 FHAD pdf attached) under "Commentary – Sheet 15" that references proposed Improvements. Can you let me know if those proposed improvements were ever done? I am not aware that they were.

In addition, there was information both in the 2008 FHAD Report and in a Letter sent to me on March 20, 2017, signed by Chuck Haskins, about (potential) channelization work on Dutch Creek further upstream from our property on Dutch Creek. Was that work ever completed? If so, when?

It has now been almost six years since I contacted Arapahoe County with my concerns about these flood and drainageway issues on Dutch Creek (Reach 2) in response to the 2016 PMR Notification and how they impact our property located at 6483 S. Platte Canyon Rd. Littleton, CO 80123. Could you update me if Arapahoe County and/or SEMSWA have addressed any of the recommendations made in this 2008 FHAD Report (or even any subsequent additional Reports) on Reach 2 or very close to Reach 2 that would impact downstream flooding on Dutch Creek on or near our property?

If you are not the person to ask these questions, please direct me to whom I should contact.

Thank you,
Trish



From: [Patricia Peppard](#)
To: [Molly Orkild-Larson](#)
Cc: [Joseph Boateng](#)
Subject: FW: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek
Date: Monday, January 23, 2023 12:12:22 PM
Attachments: [IMG_5639.PNGnormal dutchcreek width.PNG](#)
[Keiley Text.PNG](#)
[DutchCreek on PedicordStables 2018.PNG](#)
[GraceText July 27 2022 Pedicord Stables.PNG](#)
[AmandaText March 17 2022.PNG](#)
[Pedicord recent flooding Dutch Creek.PNG](#)
[Dutchcreekflooding last year.PNG](#)
[JeffcoResol No CC20-255 Sept 22 2020 5234W LeawoodDr.pdf](#)
[Arcadia Creek ASR Jeffco Seymour August 5 2022 citizenfeedback PedicordStablesFINAL REV.pdf](#)

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Ms. Orkild-Larson,

Attached is the information sent to Jefferson County for property which borders Arapahoe County immediately to the west of the property that is the subject of the subdivision request. It is also for this same larger Arcadia Creek project. It was transmitted by us on August 5, 2022 to Jefferson County. At that same time, Mr. Boateng of Arapahoe County was copied on this submission to Jefferson County. Many of the documents provided to Arapahoe County and reviewed for the Arapahoe County subdivision request also include this Jefferson County portion of the project discussed in these same documents. We pass this information along as it is mentioned and incorporated by reference into our comments submitted to you on January 12, 2023.

Thank you,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Patricia Peppard
Sent: Friday, August 5, 2022 7:47 PM
To: 'nseymour@jeffco.us' <nseymour@jeffco.us>
Cc: 'jboateng@arapahoegov.com' <jboateng@arapahoegov.com>
Subject: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek

Dear Mr. Seymour,

I have attached a Letter dated today's date regarding the Arcadia Creek ASR. In addition to our Letter addressed to you, we have attached a small sample of pictures and texts regarding the ongoing flood issues we face regularly. This flooding activity and the rapid creek rising events on Dutch Creek that impact our property seem to have greatly increased both in frequency and intensity from past years. We have many more photos and communications if you would like to review. We are sorry these are not the best quality pictures; however, with the short timeframe we had to respond to the ASR since learning of it earlier this week, this is the best we could do in light of the time constraints we faced. If you would like better quality photos, please let us know.

Our concerns are set forth in our Letter and the pdf of Jeffco Resolution No CC20-255 attached is also intended as an attachment to our Letter. The pictures and texts attached to this email are intended to also be attachments to our Letter dated August 5, 2022, addressed to you.

If you have any questions or need any additional information, please let us know.

I had a telephone call from Joseph Boateng in Arapahoe County Engineering this afternoon and I said I would copy him on this Letter (and attachments to the Letter which are also the attachments to this email).

Best regards,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

11:13

LTE

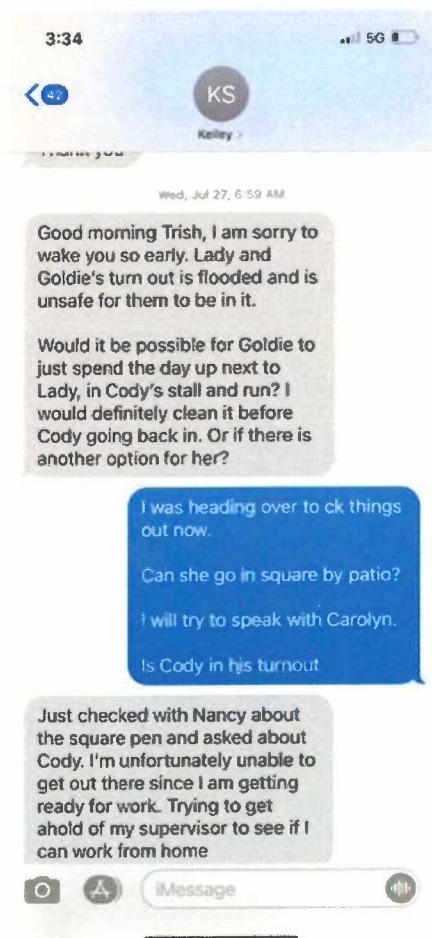


November 3, 2020
3:40 PM

Edit









11:14

LTE



December 10, 2020
3:38 PM

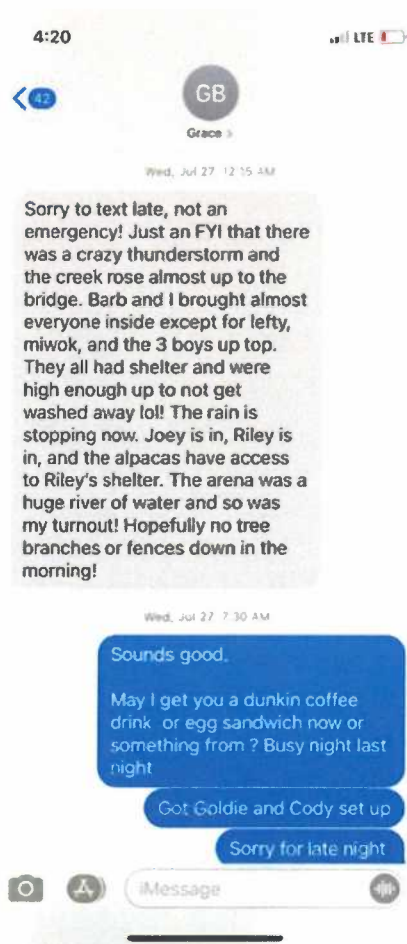
Edit



July 27, 2018
8:52 PM

Edit





4:20

LTE

< 42

GB

Grace

Wed, Jul 27 12:15 AM

Sorry to text late, not an emergency! Just an FYI that there was a crazy thunderstorm and the creek rose almost up to the bridge. Barb and I brought almost everyone inside except for lefty, miwok, and the 3 boys up top. They all had shelter and were high enough up to not get washed away lol! The rain is stopping now. Joey is in, Riley is in, and the alpacas have access to Riley's shelter. The arena was a huge river of water and so was my turnout! Hopefully no tree branches or fences down in the morning!

Wed, Jul 27 7:30 AM

Sounds good.

May I get you a dunkin coffee drink or egg sandwich now or something from ? Busy night last night

Got Goldie and Cody set up

Sorry for late night



iMessage



6:15

5G

< 50

AL

Amanda >

then in the afternoon again.

Thu, Jul 28, 9:12 AM

On call
May I call in a little bit

All good:)

Was just letting you know that I have John 's phone number in case of an emergency with water, I was thinking of how dangerous it is for people to try to cross that bridge if the waters coming. There's the option of going up in a dire situation.

Ok thanks



iMessage











August 5, 2022
Mr. Nathan Seymour
Jefferson County Engineering
NSeymour@jeffco.us

Re: JEFFERSON COUNTY 22-115840ASR / ARCADIA CREEK ALT STD REQUEST ("ASR") – DRAINAGE

Mr. Seymour,

I am the Manager of Dutch Creek Properties, LLC, d/b/a Pedicord Stables, located in unincorporated Arapahoe County, with a street address of 6483 S. Platte Canyon, Rd., Littleton, CO 80123. The western boundary of our property is less than ½ mile downstream from the proposed Arcadia Creek development in Jefferson County (sometimes referred to herein as Applicant). We are even closer if the Arapahoe County parcel owned by the same Applicant is also developed similarly to the Jefferson County portion of the Applicant's property. The Jeffco development is the subject of this ASR.

We own a 9+ acre property that has portions located in the floodplain of Dutch Creek. We have a 21-stall horse barn in the floodplain. It used to be an exclusively Saddlebred horse barn; however, we have used it for sheltering all breeds of horses as well as 3 alpacas, 3 goats and 2 barn cats. Although the barn was built in the floodplain many decades ago, we have reports from the prior owners regarding the flood risks/occurrences of Dutch Creek as well as our own experiences over the past 22 years. We have noticed a marked increase in the number and volume of the flooding events along Dutch Creek both directly and also indirectly to the properties of our adjoining neighbors, north and south of Dutch Creek.

The proposed Arcadia Creek development was rezoned from R-1 to PD to allow for 23 single family detached homes on September 22, 2020, by the Jefferson County Board of County Commissioners in Case 19-124345RZ. We reference this prior case both for background information and for ancillary comments on our lack of notice concerns. Despite the findings denoted as Nos. 5, 6 and 7 on Page 2 of the attached Resolution CC20-255 pdf, approving the rezoning on September 22, 2020, we only received notice of the development and this ASR on Monday, August 1, 2022, as a result of a neighbor's email.

Since our property is downstream on Dutch Creek to the east from Applicant's property, which is the subject of this ASR, we felt it was important to provide for your consideration factual information about our Dutch Creek flooding experiences. *Our property is greatly impacted by this type of upstream development and this is the first time you are hearing from us related to this development.*

By way of background, we already experienced this same type of change with the Jeffco Vintage Reserve Development of single-family homes on 87.2 acres located immediately south of the Applicant's property that was developed in the early 2000s. Similarly, retention/detention ponds were factored in to that development and there were no ASRs on that project that we are aware of; however, we still experienced increased pressure on the floodplain area in, on and around our property. Regrettably for notice purposes, we are not an HOA within a mile of the Applicant's property nor were we an HOA at the time of the Vintage Reserve development; consequently, we have not and did not receive notice of either of these Jeffco developments. Sadly, these are matters that will impact and have greatly impacted our property, and our failure to receive timely notice has yet again prevented us from the opportunity to

provide meaningful input to County decision makers at the appropriate public comment/hearing stage in the development process.*

We have no desire to interrupt the Applicant's development of this property and the Applicant's property rights generally; however, we are unwilling to have the Applicant shift issues to us so that the Applicant may benefit from governmental action at our expense. If the ASR is granted, our vested property rights are potentially further devalued and harmed if increase flooding occurs as a result. In addition, we face (additional) peril on our property, to both our animals, horse boarder tenants, farmhouse tenants and structures if Jeffco fails to require all necessary and prudent safety precautions related to flood prevention and rain water run off conditions into Dutch Creek from the proposed development as is required.

In reviewing the Letter dated June 9, 2022, addressed to Jefferson County and prepared by Brightlighter Engineering requesting the ASR, we would like to provide the following input: Even though there is a good deal of apparent scientific basis provided to you by the Professional Engineer who is the author of the June 9, 2022 Letter for the granting of the ASR, we would like you to explore certain underlying assumptions to the Letter's rationale for your granting the ASR. First, from our consultation with Professional Engineers on flood issues through the years (and there have been several), we have been advised that hydrology is an "inexact science." The basis for decision making is pursuant to various models and those models are based on certain assumptions. The approaches taken by Engineers in the field (and decision makers who rely on the Engineers' expertise) may be educated guesses based on the assumptions and models but they are not as hard and fast "scientific" principles as one may conclude from reading the scientific deductions outlined in the June 9th Letter.**

Although the facts, information and pictures provided with our Letter addressing our ASR concerns are only anecdotal and not based on hydrology modeling or related assumptions per se, they are based on actual experiences by my family, our farmhouse tenants and our horse/animal boarders. There are significant and continuing risks of Dutch Creek rising rapidly, endangering animal and human life, not to mention our barn, being placed at risk, regularly.

We can report to you for your consideration that we have experienced increasing and quickly developing flood events over the past many years. The development of Vintage Reserve and also possibly other upstream developments have continued to put stress on the floodplain generally and on our property specifically (as well as surrounding abutting neighbors). We have been at our location for over 22 years and we have noticed a marked increase in the volume of water traveling down the waterway and the rapid rise in the creek level even since the earlier years of our ownership. I think the fast rise in the creek volume from a timing perspective is what is the most noticeable and creates the greatest safety risk. We all watch the weather vigilantly, but these events can occur in the middle of the night and can occur quickly. I always have my phone beside me at night so I can be reached in an emergency and respond quickly. I more frequently now receive contacts about our property in the middle of the night, among other times, about flood and weather emergencies that will put stress on the creek and create dangers for our animals and boarders/tenants. For example, just last week on July 27, 2022, at 12:15 a.m. I received a text from our farmhouse tenant, Grace, a copy of which is attached. This is no longer an extraordinary event. The reason she reports in her text that it is not an emergency, is that she is reassuring me that things were taken care of and I did not need to rush over at 12:15 a.m. to assist.

We have attached to this email photographs and copies of Grace's and other texts from boarders representing some limited experiences over the past few years to highlight the reality of what is occurring on our end of Dutch Creek. We are also spending significant funds each year to clean up flood events, none of which begin to approach a 100-year flood event. We are receiving texts or calls at all hours of the day and night from our tenants and boarders (and sometimes close neighbors) regarding the status and dangers of Dutch Creek, and this is a much more frequent occurrence these days.

We also did not receive notice of the 2008 FHAD Study referenced in the June 9th Letter nor notice of the public meeting related thereto where governmental agencies received input by interested parties on the recommended plan and any other alternatives for the Dutch Creek and Coon Creek (also Lilley Gulch and Three Lakes Tributary) waterways, among other areas. It is our opinion that some of the assumptions made by the Engineers in preparing the 2008 FHAD for that part of Dutch Creek downstream from the Applicant's property deserve closer scrutiny.

In reviewing the Brightlighter Engineering request for an ASR, I could not help but notice the use of the word "**anticipated**" when speaking about Dutch Creek flows. This speaks directly to our concern. The details recited in the June 9th Letter are based on "**anticipated**" flows and uses data that are based on certain models prepared in 2008. Yet, from our personal experience over the past two decades, particularly since the development of Vintage Reserve, the "**anticipated**" outcomes of actual water volume in Dutch Creek have not been "**anticipated**" accurately by engineering and hydrology professionals. At the time we spoke to several Engineering firms in 2016 to try to gather professional engineering assistance to possibly gain alternate engineering studies (or even studies to confirm those used for the 2008 FHAD and the PMR from 2016/2017), the cost to obtain were upwards of \$100,000.00 and that made it cost prohibitive for us to pursue.

We could not help but notice that in reviewing the June 9th Letter there was creative language used to describe the dilemma facing the Applicant as outlined in the Brightlighter Engineering ASR Letter. This creative language was combined with the offer of a solution to their failure to meet the 100-year requirement for the south detention pond. The Applicant's stated reason for the requested ASR, is "*the design of the South Pond is currently geometrically constrained on all sides*" (emphasis added). This constraint sounds as though it was, in fact, a self-created predicament. As one reads and tries to understand the rationale provided by the Applicant for the "need" for the requested variance, this presents to us like a circular argument.

It is our opinion that those of us downstream on Dutch Creek from the Applicant's property need the imposition of as many of the flood mitigation activities as possible at this time by Jeffco. This is a safety and health matter for those of us downstream on Dutch Creek from the Applicant's property. The "**anticipated**" statistics recited at length in the June 9th Letter should not prevail over the reality of what is occurring downstream from the Applicant's property on Dutch Creek. In fact, our reality and experience highlights some of the possible inaccuracies in the 2008 FHAD study upon which the Applicant's expert is relying.***

Therefore, the obvious response to the ASR is for the Applicant to tweak its own design if it does not accomplish the 100-year flood detention requirement. Yes, these types of tweaks to the Applicant's design may possibly cause the Applicant to have slightly less profit or have to give up an ADA parking space or may have to make something slightly less aesthetically pleasing to the eye, and the like, but the Applicant is in control of these details and should not—via a variance—seek to shift a solution to its own

design problems to others such as ourselves. It may be convenient for the Applicant to shift it to its neighbors, but it is not a responsible approach to do so. In addition, we have no assurance that the use of the "beat the peak" theory for the retention pond and flood control decisions being proposed for the project will be adequate to minimize further substantial impact on our property and other downstream neighbors' property. Therefore, we do not think it prudent to reduce any flood control mitigation in this development. Hopefully, Jeffco Engineering can fully appreciate the challenges inherent in evaluating a theory and the execution of the components of such a theory in a situation like the one outlined in the ASR. We are responding to the ASR by providing you factual information and common-sense responses to assist in your evaluation of the ASR.

The Applicant should not ask others downstream to suffer and be at risk for human or animal injury/loss as well as property loss, because may be inconvenient now to develop the PD with a south 100-year required detention pond. It is true that the continued development upstream on Dutch Creek and Coon Creek from our property coupled with the inexactness of hydrology and water science as it currently exists, will continue to create significant harm to our property and to others. We are reporting actual real time experiences and developments observed by us, our boarder, tenants and neighbors. Our experiences are real and concerning and should not be ignored nor exacerbated by government's failure to fully monitor development near waterways in consideration of the safety, health and welfare of the downstream neighbors.

Thank you for your time to review and evaluate our comments on the ASR. As a slight divergence, I will add that when I first entered the professional world, a coworker gifted me a coffee mug that said in effect "*poor planning on your part should not create a crisis on my part.*" That appears to possibly be the issue at play here.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC

- * As an aside, but as a VERY important side note to our comments on the ASR, we must take issue with the representations made in Nos. 5, 6 and 7 of the attached Case 19-124345RZ document pdf which states as follows:

(5) *"All impacts of the proposed use upon property in the surrounding area have been considered."*

(6) *"The ability to mitigate any negative impacts of the proposed use upon the surrounding area have been considered and mitigated with the restrictions set forth in the proposed Official Development Plan."*

(7) *"The proposed land use will not result in significant impacts to the health, safety and welfare of the residents and landowners in the surrounding area."*

In addition, No. 2 in this same Case states in part ... *"that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings."*

The above quoted statements from Resolution No. CC20-255 are factually inaccurate. Therefore, unfortunately, this variance request is yet another endeavor highlighting the failure by the Applicant and Jeffco to address important issues, safety and otherwise, impacting the surrounding property owners (despite the quoted recitals in Resolution No. CC20-255). Had we known about the public comment for the rezoning request in 2020, we would have been pleased to have provided much more detailed information for the County Commissioners' review during a public hearing on the PD topics and impacts. Unfortunately, we were not afforded that opportunity, and so we are only now addressing these issues in a very cursory way in response to a variance request that we only learned of four days ago.

** Lukas, Jeff, and Elizabeth Payton, eds. 2020. *Colorado River Basin Climate and Hydrology: State of the Science*. Western Water Assessment, University of Colorado Boulder. (See particularly Chapters 5 and 6). Yes, we understand that we are discussing Dutch Creek and not the Colorado River; however, there are helpful comments about hydrology and the scientific methodologies used in hydrologic models that are instructive in this text.

*** For example, as we understand it, the 2008 FHAD indicates in Reach 2 pertaining to Dutch Creek (and other close-by creek areas) that there should not be flooding on the north side of Dutch Creek on the property of our immediate abutting westerly neighbor. That is NOT accurate. We have had flooding from the north side of Dutch Creek from our neighbors' properties on multiple occasions. Again, we are just trying to provide real-life examples for your consideration as you evaluate the ASR.

Commissioner Tighe moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF JEFFERSON
STATE OF COLORADO
RESOLUTION NO. CC20-255

Case Number:	19-124345RZ
Owner/Applicant:	Jeffrey B. Good
Location:	5234 West Leawood Drive Section 24, Township 5 South, Range 69 West
From:	Residential-One (R-1)
To:	Planned Development (PD)
Purpose:	To rezone from Residential-One (R-1) to Planned Development (PD) to allow 23 single-family detached dwelling units
Today's Action:	Approve
Approximate Area:	7.49 acres

WHEREAS, Jeffrey B. Good filed an application with the Planning and Zoning Division of Jefferson County to rezone from Residential-One (R-1) to Planned Development (PD) to allow 23 single-family detached dwelling units; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on August 26, 2020, at which time the Planning Commission by formal resolution recommended approval of the subject rezoning application; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on September 22, 2020; and

WHEREAS, based on the study of the Comprehensive Master Plan and the Zoning Resolution, recommendations of the Jefferson County Planning Commission, recommendations of the Jefferson County Planning and Zoning Division, comments of public officials and agencies, and testimony and written comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County and the Planning and Zoning case file is hereby incorporated into the record.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. The proposed land use is compatible with existing and allowable land uses in the surrounding area because it is a residential use in a residential area at a similar density.
4. The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies.
5. All impacts of the proposed use upon property in the surrounding area have been considered.
6. The ability to mitigate any negative impacts of the proposed use upon the surrounding area have been considered and mitigated with the restrictions set forth in the proposed Official Development Plan.
7. The proposed land use will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.
8. The proposed land use is consistent with the purpose statement in the Zoning Resolution and state law.
9. That each of the factors set forth above is adequate independently to support this resolution.

10. The subject property is served by the Platte Canyon Water & Sanitation District, Xcel, South Metro Fire Rescue, and the Jefferson County Sheriff's Office. The public services are available and adequate to serve the proposed use.
11. No known commercial mineral deposits exist on the subject property.

NOW, THEREFORE, BE IT RESOLVED that Rezoning Case No. 19-124345RZ to rezone from Residential-One (R-1) to Planned Development (PD) the following described unincorporated area of Jefferson County, attached hereto as Exhibit A, be and hereby is APPROVED with the addition of Section B.1.e. to the Arcadia Creek Official Development Plan regarding the prohibition of accessory dwelling units on the subject property.

Commissioner Szabo seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Casey Tighe	Aye
Commissioner Libby Szabo	Aye
Commissioner Lesley Dahlkemper, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: September 22, 2020

EXHIBIT A

Case No. 19-124345RZ

Legal Description

Street Location of Property 5234 West Leawood Drive

Is there an existing structure at this address?

Yes X No

Type the legal description and address below.

PARCEL 1:

BEGINNING AT THE SOUTHEAST CORNER OF THE N 1/2 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 69 WEST, THENCE WEST ALONG THE SOUTH LINE OF SAID N 1/2 OF THE SE 1/4, 493.15 FEET; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID N 1/2 SE 1/4, 860 FEET; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID N 1/2 SE 1/4, 493.15 FEET TO THE EAST LINE OF SAID N 1/2 SE 1/4; THENCE SOUTH ALONG SAID EAST LINE 660 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 2:

ALL THAT PART OF LOT 1, BLOCK 30, LEAWOOD FILING NO. 5, JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S 89° 51' 15" W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 106.05 FEET; THENCE N 39° 25' 59" E A DISTANCE OF 37.77 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 88.71 FEET, SAID CURVE HAS A RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 39° 05' 54" TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

CONTAINING 7.49 ACRES, MORE OR LESS

Section 24 Township 5 S. Range 69 W.

Calculated Acreage 7.49 Acres Checked by: Ben Hasten

Address Assigned (or verified) 5234 West Leawood Drive

Molly Orkild-Larson

From: Patricia Peppard
Sent: Monday, July 10, 2023 12:40 PM
To: Molly Orkild-Larson
Cc: Joseph Boateng; Chuck Haskins
Subject: FW: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Orkild-Larson,

Could you please provide us an update on this Development status? I checked on it via a phone call in the spring and I was told it was still winding its way through the process. I am particularly concerned about the additional flooding on our property.

The flooding two weeks ago on June 22nd was by far the worst we have ever had in the 23 years we have owned the property. We are still cleaning up significant debris that came downstream and was deposited on our property. On a side note but that does relate to this discussion tangentially, we even had to clean up the debris that was on the south suburban bike path immediately to the east of our property after that same storm because SSPR nor Denver Water could seem to get to it. This was because bikers, walkers and people with dogs and strollers were walking almost out into the street or on the shoulder of the street (and it is 45 mph on S. Platte Canyon) and then back on to our main driveway to get around the downed trees and debris. We finally got our own chainsaw out and cleared the bike path (and swept leaves/debris off of the path too) to minimize the danger to the users of the SSPR paved path after that storm despite numerous calls by me to SSPR. We heard back from SSPR the following week and were told they are understaffed and could not get to it any sooner. But it was a definite hazard to the public and also to our horse boarders and farmhouse tenants driving in and out of our driveway to access Platte Canyon. The danger was that drivers were not necessarily sure where they may encounter pedestrians/bikers/dogs etc. who may be walking in unexpected places other than on the paved bike/walking path.

We are very concerned about any additional development if it continues to cause more stress on the downstream neighbors, like us. I think there is a culvert (or culverts?) issues that is/are pending and we would like to know more about it. I received an email from a neighbor that is on Christensen Lane last week about a proposed culvert situation and it seemed that the culvert proposed was inadequate apparently. We will try to find out more information from the neighbors but thought we would also go straight to the source to find out the status of this development. Can you update us?

As an aside, we also were told a number of years ago that possibly the area of Dutch Creek that runs north (and also that part that is on our property) could have some channel work done to improve the flooding problems. But thus far we have not received any follow up on this possibility. Is this on anyone's radar that you know of? I know that I have spoken with SEMSWA about these concerns and possible remediation assistance a number of times in the past. Per our very recent experience with SSPR, we are aware government resources are strained and offices are frequently understaffed. We, however, would still like to get some feedback if there are any realistic plans to address this significant additional flooding in our area of Dutch Creek in the foreseeable future.

Thank you,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>
Sent: Monday, January 23, 2023 12:56 PM
To: ppeppard
Subject: RE: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek

Got the information.



Molly Orkild-Larson, Principal Planner
RLA, AICP
Phone: 720-874-6658;
Email: morkild-larson@arapahoegov.com

From: Patricia Peppard
Sent: Monday, January 23, 2023 12:12 PM
To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>
Cc: Joseph Boateng <JBoateng@arapahoegov.com>
Subject: FW: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek

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Ms. Orkild-Larson,

Attached is the information sent to Jefferson County for property which borders Arapahoe County immediately to the west of the property that is the subject of the subdivision request. It is also for this same larger Arcadia Creek project. It was transmitted by us on August 5, 2022 to Jefferson County. At that same time, Mr. Boateng of Arapahoe County was copied on this submission to Jefferson County. Many of the documents provided to Arapahoe County and reviewed for the Arapahoe County subdivision request also include this Jefferson County portion of the project discussed in these same documents. We pass this information along as it is mentioned and incorporated by reference into our comments submitted to you on January 12, 2023.

Thank you,

Patricia Peppard, Manager
Dutch Creek Properties, LLC

d/b/a PEDICORD STABLES

From: Patricia Peppard
Sent: Friday, August 5, 2022 7:47 PM
To: 'nseymour@jeffco.us' <nseymour@jeffco.us>
Cc: 'jboateng@arapahoegov.com' <jboateng@arapahoegov.com>
Subject: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek

Dear Mr. Seymour,

I have attached a Letter dated today's date regarding the Arcadia Creek ASR. In addition to our Letter addressed to you, we have attached a small sample of pictures and texts regarding the ongoing flood issues we face regularly. This flooding activity and the rapid creek rising events on Dutch Creek that impact our property seem to have greatly increased both in frequency and intensity from past years. We have many more photos and communications if you would like to review. We are sorry these are not the best quality pictures; however, with the short timeframe we had to respond to the ASR since learning of it earlier this week, this is the best we could do in light of the time constraints we faced. If you would like better quality photos, please let us know.

Our concerns are set forth in our Letter and the pdf of Jeffco Resolution No CC20-255 attached is also intended as an attachment to our Letter. The pictures and texts attached to this email are intended to also be attachments to our Letter dated August 5, 2022, addressed to you.

If you have any questions or need any additional information, please let us know.

I had a telephone call from Joseph Boateng in Arapahoe County Engineering this afternoon and I said I would copy him on this Letter (and attachments to the Letter which are also the attachments to this email).

Best regards,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

Molly Orkild-Larson

From: Patricia Peppard
Sent: Tuesday, July 11, 2023 6:59 AM
To: Molly Orkild-Larson
Cc: Chuck Haskins; Joseph Boateng; Tiffany Clark
Subject: RE: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek
Attachments: ArapCtyPM22_006_JeffreyGoodJan2023.pdf; Warranty_DeedGood to ArcadiaCreekLLC.pdf

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Molly,

Thank you for your response.

I will reach out to Mr. Boateng. Yes, the culvert pertains to development involving Arcadia Creek, LLC. When I just pulled my notes from earlier this year I see it does involve Mr. Tschetter per the attached information I had in my files. I have only known it as Jeffrey Good's property and then Arcadia Creek, LLC's property.

Thank you for passing along our request/concerns to SEMSWA. I appreciate you copying Ms. Clark on your email. Yes, it has been a very wet spring and summer. The significant increase in the amount of water coming down the waterway is concerning. We do not believe it is exclusively tied to the wet weather. We would like to be able to have wet weather and not have a significant flooding event each and every time there is a rain storm. We are watching and experiencing increasingly frequent flooding events since we first purchased the property more than 23 years ago. The time and money we are expending on cleanup has certainly increased. Yes, part of the property is in the floodplain; however, we request that our local government not make decisions that disproportionately impact us further and cost us more time and money in the cleanup process while also limiting our use of the property for our animals purely to benefit upstream owners at our expense. We request that whatever decisions are made with an eye to limiting harm of flooding to downstream owners that they be more stringent than you may initially consider. This is because the "standard" measure decision making as it pertains to flood control no longer seems sufficient.

Thank you too for the suggestion about CDOT. I will remember that as an option if this occurs in the future. However, the cleanup issues I mentioned in passing were only on the property owned by Denver Water and leased to South Suburban. But we were able to address and South Suburban arranged to pick up and remove all of the debris we cut up and piled up on its property, fortunately.

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>
Sent: Monday, July 10, 2023 4:13 PM

To: ppeppard

Cc: Chuck Haskins <CHaskins@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>; Tiffany Clark <tclark@semswa.org>

Subject: RE: Dutch Creek Properties, LLC d/b/a Pedicord Stables input on ASR - Arcadia Creek

Patricia:

The applicant just resubmitted his application last week. Staff is currently reviewing the second submittal and our comments are due July 27th and to be sent to the applicant the following business day.

It has been a really wet spring and early summer. Thanks for letting us know about the debris on the trail and Platte Canyon Road. Have you reached out to CDOT about this debris on the road? In regards to the culvert(s), I'm assuming you're talking about the one that is on Mr. Tschetter's property, correct? If so, Joseph Boateng will be able to assist you in answering the culvert questions. I do not know of any improvements that are to occur along Dutch Creek. I'll pass your questions along to our engineering staff and SEMSWA and see if they can help you.

Thanks,



ARAPAHOE COUNTY

Molly Orkild-Larson, Principal Planner

RLA, AICP

Phone: 720-874-6658;

Email: morkild-larson@arapahoegov.com

Arapahoe County review personnel,

August 10, 2023

RE: Arcadia Creek (PM22-006)

Is your review and decision making on the Arapahoe County (2nd) Review for Arcadia Creek (PM22-006) sufficient to prevent what I have been reading about as the ***"No Adverse Impact"*** concept in floodplain management included in Colorado regulations pertaining to floodplain management in Colorado? Which, as I understand it, states that the ***"action of one property owner does not adversely impact the rights of other property owners."***

It is my understanding that this adverse impact is measured by increased flood peaks, flood stage, flood velocity, erosion and sedimentation, among other factors. I have attached a picture that was taken from a video of the June 22, 2023, flood event on our property transmitted to us by one of our horse boarders. I cannot at this moment include the sound but the noise and swiftness of the creek was what the boarder noticed particularly and the extensive nature of the flooding. I have attached a still photo but the video is striking. Also, the amount of debris coming down the creek was also noted by the horse boarder at the time of filming. We have NEVER had anything this extreme and we are very concerned this will only continue to happen. Per communications with close neighbors, they too have had unprecedented flooding and it is also flooding that is not consistent with comments made in the 2008 FHAD about our reach on Dutch Creek.

We are also very concerned with climate change and the ramifications thereof and how quickly change is occurring (see multiple news outlet articles and scholarly articles published by NASA to the United Nations to the EPA to NOAA to the Department of Energy to FEMA to the World Health Organization to the National Geographic Society as well as multiple articles in newspapers including the Denver Post and the Washington Post, among others – just to name a few sources for this information). We believe this trend is not an isolated event based on it being only a wet spring and summer of 2023 along the front range of Colorado as some have suggested. We do not mean disrespect to many of those who have prepared professional reports for submission on this project and that are included in your materials. We are also not engineers; however, we are folks with common sense and experience who are paying attention to their own property as well as events in our community, state and nation related to flooding events. It seems the data you may be relying upon for your decision making is, at least in part, based on studies and information gathered and analyzed prior to 2008. Anecdotally, we can confirm things have changed significantly since that time on our property as it pertains specifically to Dutch Creek. Current literature on climate change also documents how rapidly change is occurring. These changes are now being measured by years and no longer by decades.

As a total aside, we have had two horses in that flood area colic since the June 22, 2023 flood (and as of today one more with a now reported thus far "unknown" virus subject to lab work coming this Saturday from the Littleton Equine vets. Each of these horses had to be taken to Littleton Equine Medical Center for overnight care and one horse stayed several nights. Fortunately, neither of the colicing horses died but the boarders have asked about issue with that area and has the debris and flooding created a health issue. I have pictures prior to our purchase of the property with horses walking in the creek and drinking from it but no prior reports of this kind of equine illness events by our predecessor owner. Nevertheless, we have always provided city water in troughs for the horses in that area to drink. But the amount of debris coming down the creek (not to mention our costs to clean up each and every time) as well as concerns about water quality persists. The boarders asked us a few days ago if there is something in the water or primarily left in the sediments from the flooding that could have made both of their horses'

sick within weeks of each other. This newly ill horse has been in that area for only three weeks and this illness occurred very late last night. It could of course be something entirely unrelated but the boarders asked if this illness was coincidental to that particular place on the property or if it was possibly something else. This too is a new development in that area in light of the use of the property in the same manner over the past 23 years by us and 50 years before that when the property was owned by our predecessor who also ran a horse boarding facility.

We request you be very conservative in any plan to further develop the property upstream that is the subject of your review such that you seek to minimize the *Adverse Impact* on those of us property owners that are downstream from this development. We specifically request you actively work together with other agencies to institute immediate flood mitigation activities along Dutch Creek adjoining this development area (and work closely with Jefferson County and even the Town of Columbine Valley where water sometimes backs up from the Town's property on to our property). In reviewing the information in the 2015 Colorado Climate Change Vulnerability Study, in the Executive Summary it discusses Flood Mitigation generally. It states, "Large portions of the state that exist in areas of high flood risk and have engaged in little mitigation are vulnerable to high risk of extreme precipitation events." This past June 22, 2023, was an extreme precipitation event and it sounds like this may be the state of things to come as there is further climate change. We happen to be in an area where "little mitigation" has occurred despite our requests to address issues along Dutch Creek for many years. We have made these inquiries about possible mitigation work along Dutch Creek for over two decades to both Urban Drainage personnel and others up to and including our most recent communications with Southeast Metro Stormwater Authority (SEMSWA) almost a month ago. The feedback we received on July 13, 2023, from SEMSWA is as follows:

"Improvements to Dutch Creek is on our Capital Improvement Project list, and we have just started looking at getting a project started. The project limits and timing are not yet known and there is not yet funding for this project." (emphasis added with underlines and highlights)

We were told in the early to mid-2000s that we would be on a list for possible channel work and flood mitigation for Dutch Creek along the part of the creek that crosses or abuts our property. It is now almost 20 years later and nothing has occurred except further upstream development and greater adverse impacts to our property as a result.

Therefore, we specifically request that the lack of flood mitigation work along Dutch Creek be a part of your calculation as you review the project details of this development and also as you seek input from other agencies on this development plan. We remind you of the stated goal of NO ADVERSE IMPACT to the property rights of others downstream from this development.

Respectfully submitted,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: [Patricia Peppard](#)
To: [Molly Orkild-Larson](#); [Joseph Boateng](#)
Cc: [Chuck Haskins](#); [Tiffany Clark](#); ["Dan Olsen"](#); [Robert Victor](#)
Subject: Comment re: Arcadia Creek (PM22-006)
Date: Thursday, August 10, 2023 4:30:01 PM
Attachments: [IMG_8071 Dutch Creek June 22, 2023 looking due west from PedicordStables big barn.PNG](#)
[Dutch Creek looking west from big barn area to white fence of M McGee prop.PNG](#)
[Arcadia Creek Comment Request_Arapahoe Cty August 2023.pdf](#)

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Arapahoe County Planning and Zoning (and SEMSWA personnel),

Attached are our comments as requested. These comments are in the form of a 2-page pdf. In addition, attached are two photos. I apologize for the poor quality but one is a recent picture from June 22nd big storm/flood event along Dutch Creek looking west from our big barn area to the white fence that is the fence line with Marilyn McGee's property (her address is on Christensen Lane). The second is a picture of that same area as it frequently looks also facing west to the same white fence line to give you perspective and orientation. I am happy to work to send better photos or send in a different format if you would like (please just ask) but I believe even with the poor quality you can perceive the significant differences.

If you have any questions or need additional information (or better quality photos), please let me know.

Thank you for your consideration of these comments.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Thursday, July 27, 2023 12:20 PM
To: Patricia Peppard
Subject: 2nd submittal review due date

Patricia,
Per our conversation this afternoon, I informed you that the Arapahoe County Review Due date for

Arcadia Creek (PM22-006) has been extended from July 27 to August 10.

Thanks,

Joseph Boateng, PE

Engineering II

Arapahoe County Public Works & Development

6924 S Lima St, Centennial, CO 80112-3853

Direct: 7208746575 | Main: 720-874-6500

jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: [Patricia Peppard](#)
To: [Chuck Haskins](#)
Cc: [Tiffany Clark](#); ["Dan Olsen"](#); [Robert Victor](#); [Molly Orkild-Larson](#); [Joseph Boateng](#)
Subject: RE: Comment re: Arcadia Creek (PM22-006)
Date: Friday, August 11, 2023 2:56:59 PM
Attachments: [image001.png](#)
[image002.png](#)

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Mr. Haskins,

Thank you for copying me on this response.

However, because we are “very vocal” and we have been “for many years” does not make our comments any less valid. In preparing responses I just took time to read regulations and review definitions used in those regulations from various Colorado sources and they seemed applicable to the comments you requested.

To be direct, I do not know if your intention is to be disparaging but the response below has a bit of that “feel.” I am always available for an education but the fact that I am vocal (and for good reason I might add), and always comment when requested, should not be a “label” to discount the pertinent input provided nor discount my/our request for you to thoughtfully and carefully review the public comments provided to Arapahoe County pertaining to this project.

Thank you for your consideration of the input provided.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Chuck Haskins <CHaskins@arapahoegov.com>
Sent: Friday, August 11, 2023 10:23 AM
To: ppeppard; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Cc: Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>
Subject: RE: Comment re: Arcadia Creek (PM22-006)

Importance: High

We should discuss a coordinated response to this email. It doesn't seem like she's understanding the "no adverse" impact related to the project. Ms. Peppard has been very vocal about issue with this drainageway for many years.

Thanks
Chuck

Charles V. Haskins, P.E., CFM
Engineering Services Division Manager
Arapahoe County
Public Works and Development
6924 S. Lima Street
Centennial, CO 80112
phone 720.874.6500
chaskins@arapahoegov.com
<http://www.arapahoegov.com>



From: Patricia Peppard
Sent: Thursday, August 10, 2023 4:30 PM
To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Cc: Chuck Haskins <CHaskins@arapahoegov.com>; Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>
Subject: Comment re: Arcadia Creek (PM22-006)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Arapahoe County Planning and Zoning (and SEMSWA personnel),

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If you have any questions or need additional information (or better quality photos), please let me know.

Thank you for your consideration of these comments.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Thursday, July 27, 2023 12:20 PM
To: Patricia Peppard
Subject: 2nd submittal review due date

Patricia,

Per our conversation this afternoon, I informed you that the Arapahoe County Review Due date for Arcadia Creek (PM22-006) has been extended from July 27 to August 10.

Thanks,

Joseph Boateng, PE
Engineering II
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: [Tiffany Clark](#)
To: [ppeppard](#) [Chuck Haskins](#)
Cc: [Dan Olsen](#); [Robert Victor](#); [Molly Orkild-Larson](#); [Joseph Boateng](#)
Subject: RE: Comment re: Arcadia Creek (PM22-006)
Date: Thursday, January 4, 2024 11:15:54 AM
Attachments: [image001.png](#)
[image002.png](#)

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Good Morning, Patricia,

I hope you had a good holiday. I took some time off during the holidays and now getting caught up on emails.

In response to your comment: *"Yes, the stables is, in part, located in the floodplain but the fact that there is much more debris (downed trees/tree limbs) and particularly non-natural debris (barrels, blinking road work signs, fencing etc.) and other and higher number of pollutants (at least seemingly to a layperson who has not conducted a water quality study) flowing down the creek, particularly with these larger storm events, are matters that continue to change as observed by us. In addition, the water level is higher and takes out higher levels of the creek channel with each new flooding event. It has been our observations that these types of occurrences are more and more frequent within the floodplain and in part coincide with the approval of more development upstream combined with no or little remediation addressing those matters by governmental-approving entities. Therefore, it is encouraging to hear that this area has risen to the top of the Capital Improvement list. We will look forward to reviewing those details as they become available."*

We have also observed higher flows and more frequent storm events, and in turn, more damage to channels and a significant increase in debris throughout our Service Area. I cannot say if the increased flows you are observing are because of increased development or just the increased frequency and intensity of storm events that have been occurring over the past few years. Either way the delineated floodplain is based on future flows and it accounts for future development within the basin, and flows should be expected within the delineated floodplain area. Regarding the channel improvements on Dutch Creek, these improvements are not tied to any development projects and will follow a different timeline and approval process as a development project. We are still very early in the design process and do not know the full extent of the work. If improvements extend to your property our Capital Improvement Project (CIP) Department will reach out as necessary to obtain easements and access rights to perform work. Additionally, there may be outreach as the design advances and will be determined at a later time. Some of the properties along Dutch Creek have been contacted regarding access to complete some survey work, survey work is not expected to extend to your property, if that changes we will contact you.

In response to your comment: *"Have you considered and addressed in your review the impact to the entire site based on the continuing increase in sediment deposits in the creek bed of Dutch Creek?"*

Similarly, have you also considered the higher water levels that more sediments in the creek bed have caused and continue to cause and which in turn cause other damage to the creek bed sides and other parts of the floodplain? If this issue has been fully addressed and resolved in your professional review, please advise."

The Phase III Drainage Report associated with the Arcadia Creek Project is to confirm that the project design is conforming to the Arapahoe County Stormwater Management Manual and Master Plan for the drainage basin. This typically does not include a full evaluation of the channel as the hydrology in the master plan accounted for development. The Phase III Drainage Report typically includes the calculations and discussion of the channel at the outfalls. This project is still in review, and we will ensure this project conforms to the Stormwater Management Manual and Master Plan prior to approval. The channel will be evaluated with the SEMSWA CIP project, this will include evaluating sediment deposition, water surface elevations, and channel condition.

I hope this help. Have a great start to the New Year.

Respectfully,

Tiffany Clark, PE, CFM

Land Development Engineering Manager

Southeast Metro Stormwater Authority

From: Patricia Peppard

Sent: Friday, December 22, 2023 11:46 AM

To: Tiffany Clark <tclark@semswa.org>; 'Chuck Haskins' <CHaskins@arapahoegov.com>

Cc: Dan Olsen <dolsen@semswa.org>; 'Robert Victor' <RVictor@arapahoegov.com>; 'Molly Orkild-Larson' <MOrkild-Larson@arapahoegov.com>; 'Joseph Boateng' <JBoateng@arapahoegov.com>

Subject: RE: Comment re: Arcadia Creek (PM22-006)

Ms. Clark – I drafted the below email to you in early December. In reviewing prior communications today, I see it was not in the SENT file. Therefore, I am sending it today.

Ms. Clark,

Thank you for your email. I left town for Texas for the Thanksgiving holiday and just returned to my office at the end of the week after Thanksgiving. Therefore, I am only now responding to your email sent last week. I appreciate your information and updates. I am particularly glad to hear the quoted language below (with my highlight in yellow). In addition, thank you for you and Chuck Haskins taking the time to meet with us and neighbors on October 16, 2023.

"Improvements along Dutch Creek have been on the Capital Improvement list for a while and the priority of projects can vary year over year. A project for this area has risen to the top of the list and the initial scoping of an alternatives study has begun. Construction will not occur, in the best scenario for at least two years due to design, permitting, and funding."

As to your comment

"I cannot respond to the health of the horses in this area as I know very little about horses, however the stables are located within the floodplain and storm water could occur in these areas."

my additional feedback is as follows:

Yes, the stables is, in part, located in the floodplain but the fact that there is much more debris (downed trees/tree limbs) and particularly *non-natural debris* (barrels, blinking road work signs, fencing etc.) and other and higher *number of pollutants* (at least seemingly to a layperson who has not conducted a water quality study) flowing down the creek, particularly with these larger storm events, are matters that continue to change as observed by us. In addition, the water level is higher and takes out higher levels of the creek channel with each new flooding event. It has been our observations that these types of occurrences are more and more frequent within the floodplain and in part coincide with the approval of more development upstream combined with no or little remediation addressing those matters by governmental-approving entities. Therefore, it is encouraging to hear that this area has risen to the top of the Capital Improvement list. We will look forward to reviewing those details as they become available.

Lastly, in regard to your comment,

"As far as the 'No Adverse Impact' for the entire site, detention is being provided per the requirements of the Arapahoe County Stormwater Management Manual and the Jefferson County requirements. Flows will be captured within the proposed detention facilities, and conveyed in new and existing storm sewer systems and will discharge into creek in the same general patterns that exist today. There are a few areas that are not being captured within the detention facilities and we are working with the applicant on these areas. Based on the above, we do not believe there will be an impact to property owners."

Have you considered and addressed in your review the impact to the entire site based on the continuing increase in sediment deposits in the creek bed of Dutch Creek? Similarly, have you also considered the higher water levels that more sediments in the creek bed have caused and continue to cause and which in turn cause other damage to the creek bed sides and other parts of the floodplain? If this issue has been fully addressed and resolved in your professional review, please advise.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Tiffany Clark <tclark@semswa.org>
Sent: Monday, November 20, 2023 8:00 AM
To: [ppeppard](mailto:ppeppard@semswa.org) 'Chuck Haskins' <CHaskins@arapahoegov.com>
Cc: Dan Olsen <dolsen@semswa.org>; 'Robert Victor' <RVictor@arapahoegov.com>; 'Molly Orkild-Larson' <MOrkild-Larson@arapahoegov.com>; 'Joseph Boateng' <JBoateng@arapahoegov.com>
Subject: RE: Comment re: Arcadia Creek (PM22-006)

Good Morning, Patricia,

Thank you for your comments and sorry for the delayed response. We have looked at your comments and provided our thoughts below.

SEMSWA has reviewed your comments and have also provided comments to Arapahoe County as their stormwater partner.

As far as the "No Adverse Impact" statement within your letter. There is a No Impact Letter associated with the floodplain. This letter states that the work within the floodplain (primarily the culvert work and improvements to the drive) will not cause an impact to the currently mapped floodplain. In regards to No Adverse Impact for the entire site, detention is being provided per the requirements of the Arapahoe County Stormwater Management Manual and the Jefferson County requirements. Flows will be captured within the proposed detention facilities, and conveyed in new and existing storm sewer systems and will discharge into creek in the same general patterns that exist today. There are a few areas that are not being captured within the detention facilities and we are working with the applicant on these areas. Based on the above, we do not believe there will be an impact to property owners.

We understand your concern about global warming and the more frequent rainfall events, though a design of a storm conveyance system and delineation of floodplain limits cannot capture every situation. The floodplain for Dutch Creek is based on the future 100-yr storm event and accounts for future flow conditions. The 100-yr floodplain does extend into adjacent properties. While it's possible that a storm larger than a 100-yr event could occur with flows extending beyond those limits, the smaller, more frequent storms are expected to remain within the mapped floodplain.

I cannot respond to the health of the horses in this area as I know very little about horses, however the stables are located within the floodplain and storm water could occur in these areas.

Improvements along Dutch Creek have been on the Capital Improvement list for a while and the priority of projects can vary year over year. A project for this area has risen to the top of the list and the initial scoping of an alternatives study has begun. Construction will not occur, in the best scenario for at least two years due to design, permitting, and funding.

I hope these address your concerns.

Please let us know if you have any other questions.

*Respectfully,
Tiffany Clark, PE, CFM*

*Land Development Engineering Manager
Southeast Metro Stormwater Authority
7437 South Fairplay Street
Centennial, CO 80112
(303) 858-8844
tclark@semswa.org*

From: Patricia Peppard
Sent: Monday, August 14, 2023 9:13 AM
To: 'Chuck Haskins' <CHaskins@arapahoegov.com>
Cc: Tiffany Clark <tclark@semswa.org>; Dan Olsen <dolsen@semswa.org>; 'Robert Victor' <RVictor@arapahoegov.com>; 'Molly Orkild-Larson' <MOrkild-Larson@arapahoegov.com>; 'Joseph Boateng' <JBoateng@arapahoegov.com>
Subject: RE: Comment re: Arcadia Creek (PM22-006)

Thank you for your clarification. I appreciate it.

Trish

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Chuck Haskins <CHaskins@arapahoegov.com>
Sent: Friday, August 11, 2023 3:30 PM
To: ppeppard
Cc: Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Subject: RE: Comment re: Arcadia Creek (PM22-006)

Patricia,

My apologies if my comments came across as dismissive. "Very vocal" was intended to mean that

you and I have discussed your concerns with Dutch Creek on several occasions and that you have been a long time resident and have history with this drainageway and deserve a coordinated response from Arapahoe County staff and our stormwater partner SEMSWA. Please allow our group to discuss internally and we will respond to your comments.

Thanks

Chuck

Charles V. Haskins, P.E., CFM

Engineering Services Division Manager

Arapahoe County

Public Works and Development

6924 S. Lima Street

Centennial, CO 80112

phone 720.874.6500

chaskins@arapahoegov.com

<http://www.arapahoegov.com>



ARAPAHOE COUNTY



From: Patricia Peppard

Sent: Friday, August 11, 2023 2:57 PM

To: Chuck Haskins <CHaskins@arapahoegov.com>

Cc: Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>

Subject: RE: Comment re: Arcadia Creek (PM22-006)

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Mr. Haskins,

Thank you for copying me on this response.

However, because we are “very vocal” and we have been “for many years” does not make our comments any less valid. In preparing responses I just took time to read regulations and review definitions used in those regulations from various Colorado sources and they seemed applicable to the comments you requested.

To be direct, I do not know if your intention is to be disparaging but the response below has a bit of that “feel.” I am always available for an education but the fact that I am vocal (and for good reason I might add), and always comment when requested, should not be a “label” to discount the pertinent input provided nor discount my/our request for you to thoughtfully and carefully review the public comments provided to Arapahoe County pertaining to this project.

Thank you for your consideration of the input provided.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Chuck Haskins <CHaskins@arapahoegov.com>
Sent: Friday, August 11, 2023 10:23 AM
To: ppeppard@arapahoegov.com; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Cc: Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>
Subject: RE: Comment re: Arcadia Creek (PM22-006)
Importance: High

We should discuss a coordinated response to this email. It doesn't seem like she's understanding the “no adverse” impact related to the project. Ms. Peppard has been very vocal about issue with this drainageway for many years.

Thanks
Chuck

Charles V. Haskins, P.E., CFM
Engineering Services Division Manager
Arapahoe County

Public Works and Development
6924 S. Lima Street
Centennial, CO 80112
phone 720.874.6500
chaskins@arapahoegov.com
<http://www.arapahoegov.com>



ARAPAHOE COUNTY



From: Patricia Peppard
Sent: Thursday, August 10, 2023 4:30 PM
To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Joseph Boateng <JBoateng@arapahoegov.com>
Cc: Chuck Haskins <CHaskins@arapahoegov.com>; Tiffany Clark <tclark@semswa.org>; 'Dan Olsen' <dolsen@semswa.org>; Robert Victor <RVictor@arapahoegov.com>
Subject: Comment re: Arcadia Creek (PM22-006)

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Arapahoe County Planning and Zoning (and SEMSWA personnel),

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Thank you for your consideration of these comments.

Respectfully,

Patricia Peppard, Manager
Dutch Creek Properties, LLC
d/b/a PEDICORD STABLES

From: Joseph Boateng <JBoateng@arapahoegov.com>

Sent: Thursday, July 27, 2023 12:20 PM

To: Patricia Peppard

Subject: 2nd submittal review due date

Patricia,

Per our conversation this afternoon, I informed you that the Arapahoe County Review Due date for Arcadia Creek (PM22-006) has been extended from July 27 to August 10.

Thanks,

Joseph Boateng, PE

Engineering II

Arapahoe County Public Works & Development

6924 S Lima St, Centennial, CO 80112-3853

Direct: 7208746575 | Main: 720-874-6500

jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: D.J. Steines
To: Joseph Boateng; Molly Orkild-Larson; Chuck Haskins
Cc: Robert Victor; D.J. Steines
Subject: RE: Arcadia Creek - Follow-up
Date: Sunday, September 10, 2023 3:33:25 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Joseph,

I certainly appreciate and respect the County's position on these development matters and understand that this is simply part of the process.

As a follow-up to prior e-mail discussions regarding Christensen Lane, can you please let me know the following:

1. Who owns Christensen Lane from the entrance to Fox Hollow to Sheridan Boulevard?
2. Assuming Arcadia Creek does not own Christensen Lane, can you provide any guidance on how Arapahoe County intends to act upon the 2020 Variance Request submitted by Arcadia Creek which stipulates that the tract of land must be placed in the ownership of a Homeowner's Association?

Thanks for your time,

D.J.

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Friday, September 1, 2023 12:54 PM
To: D.J. Steines ; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>
Cc: Robert Victor <RVictor@arapahoegov.com>
Subject: [EXTERNAL] RE: Arcadia Creek - Follow-up

D.J.,

Responding to your question, "which of the above options should be applied to the road?", the most direct answer to your question is that the section being applied to Christensen Lane is a variance to standard cross-sections.

While it is typical for "greenfield" development projects (i.e. open, unrestricted land development) to have to apply strict engineering standards to roadway cross-sections, projects that are "redevelopment" projects typically come with constraints that may prohibit the strict application of these standards. Therefore, in acknowledgement of some of the challenges with redevelopment where there are constraints imposed by existing rights of way, adjacent properties, existing utilities, existing roadway grades, drainage systems, etc. there is a process where applicants can pursue engineering variances. This process is outlined in Section 3.2 of the Infrastructure Design and Construction Standards. Please note that most jurisdictions have some form of variance process, like the Counties process.

In the case of Christensen Lane, the applicant has pursued a variance to engineering standards for the cross-section of the private road. This was applied for and reviewed by the Counties Technical Review Committee (TRC) on a couple different occasions, specifically in March of 2020 and this August (changes to the prior proposal). What has been recognized by both the development team and County staff, is that Christensen Lane has several existing constraints (ROW, utilities, adjacent properties, walkways, storm drainage, etc.) that support the implementation of a variance to standards. There is also no need for the provision of additional parking based on the land use. The variances have considered mandatory allowances for fire, traffic, vehicle lane widths, drainage, pedestrians, etc. with respect to these constraints and have been supported by the TRC to date.

While this answer may not be to your liking, please note that as County employees we are required to perform our review responsibilities in a fair and objective manner. We also have a responsibility to provide applicant's their due process in the application, review, and approval of development applications. The variance process is allowed under the Standards and the applicant has gone through the process of having a non-standard cross section approved by the County. While it appears that the Arcadia Creek development not be well supported by residents and neighbors, the County still has the duty to perform our responsible function in balancing both the public interests (health, safety, welfare, etc.) and our responsibility to assure objective, fair, due process for applicants.

We hope that you can appreciate and respect our position on these development matters.

Sincerely,
ESD

From: D.J. Steines
Sent: Friday, August 25, 2023 1:04 PM
To: Joseph Boateng <JBoateng@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>
Cc: D.J. Steines <D.J.Steines@Newmont.com>
Subject: RE: Arcadia Creek - Follow-up

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Joseph and team,

Arapahoe County Public Works has two documents which discuss Public and Private Roadways.

The first document is titled Arapahoe County Typical Public and Private Roadway Cross Sections and the second document is titled Infrastructure Design and Construction Standards.

As it relates to the above two documents, I am trying to determine Arapahoe County's interpretation of Christensen Lane as it relates to the road west of the entrance to Fox Hollow. Please note that it is not my intention in this e-mail to debate with Arapahoe County whether or not Christensen Lane is owned by someone other than Arapahoe County.

I assume that the four options Arapahoe County Public Works may consider are as follows:

1. Private Parking Both Sides
2. Private Parking One Side – Detached Walk

3. Private Parking One Side – Attached Walk
4. Private Rural

Of the four choices above, presumably the first three are discussed under Section 4.11.4.4 *Private Roadway Attributes – Urban Areas*. In addition, Private Rural is likely discussed under Section 4.1.4.5 *Private Roadway Attributes – Rural Areas*.

To make sure that I clearly understand your interpretation of Christensen Lane, can you please let me know which of the above options should be applied to the road?

Thanks for your time,

D.J. Steines

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Wednesday, March 15, 2023 9:47 AM
To: D.J. Steines <DJ.Steines@Newmont.com>
Subject: [EXTERNAL] RE: Arcadia Creek - Flood Zone and Private Roadway follow-up

D.J. Steines,
Chuck and I will discuss further and will respond to you.

Joseph

From: D.J. Steines <DJ.Steines@Newmont.com>
Sent: Friday, March 17, 2023 1:43 PM
To: Joseph Boateng <JBoateng@arapahoegov.com>
Cc: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; D.J. Steines <DJ.Steines@Newmont.com>
Subject: Arcadia Creek - Flood Zone and Private Roadway follow-up

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Joseph,

Thank you very much for taking the time to reach out to Jefferson County on the flood zone issue.

Flood Zone

This confirms what those in our neighborhood have long thought regarding the ingress/egress on Leawood obviously goes through a flood zone. As you can tell in the picture below, I took the ingress/egress exit onto Leawood and went straight across to northern part of the street. This clearly goes through the flood zone. Also pictured below is another snippet from Consilium Design showing the ingress/egress going through a flood zone.

Imagine an incident where an emergency medical service vehicle is entering Arcadia Creek and at the same time a similar emergency medical service vehicle is trying to exit. The EMS vehicle leaving Arcadia Creek would be required to go through the flood zone.

The variance request issues by Arapahoe County to Arcadia Creek on March 16th, 2020 specifically mentions flood zones. One of the recommendations for the approval of the private access states the following: *Concerns about the emergency access during a flood event. The Developer needs to verify if there is an access to a public road without going through a floodplain including the access in Jefferson County.* As pictured below, the above emergency access issue associated with flood zones not met.

Flood zones can be interpreted in different ways, but common-sense dictates from the two screen shots below that the ingress/egress onto Leawood goes through a flood zone. We continue to note that the Developer has not provided any office calculations or field surveying to determine the flood zone on Leawood Blvd. The Developer goes out of his way in the Pre-sub application to state the following:

BY GRAPHIC PLOTTING ONLY THE SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE "X", ZONE "X" SHADED, WITH A 0.2% ANNUAL CHANCE FLOOD, HAZARD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT AND FLOODWAY WITHIN ZONE "AE" SPECIAL HAZARD AREAS WITH BASE FLOOD ELEVATION (BFE) PER FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 08005C0431 WITH AN EFFECTIVE DATE OF APRIL 18, 2018. NO OFFICE CALCULATIONS OR FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS INFORMATION

At a minimum, we would assume Arapahoe County will require the Developer to provide field surveys confirming the flood zone issue.

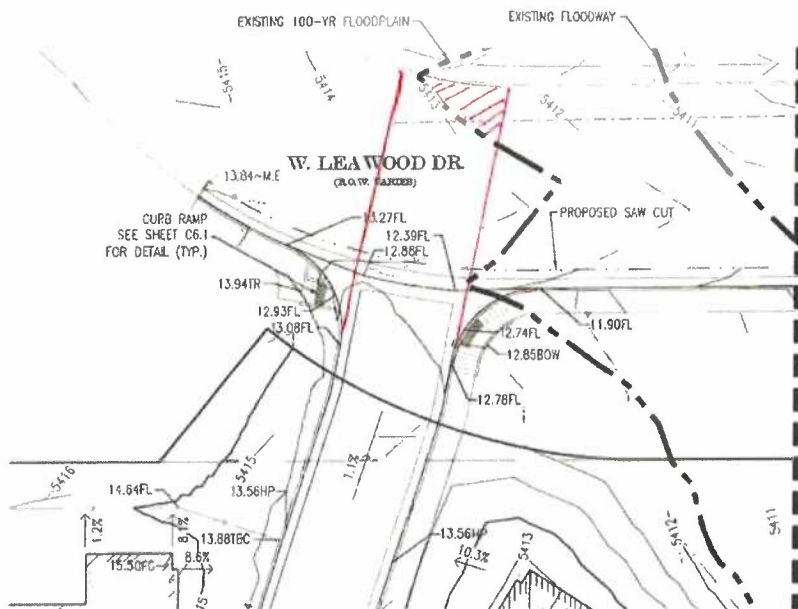
Private Roadway

In addition, the variance request discussed how a private roadway shall be placed in a tract of common ownership. As previously debated with Arapahoe County, the section of Christensen Lane discussed in the Variance Request is clearly not owned by Arcadia Creek. It should also be noted that Arcadia Creek has stated numerous times that they do now own this section of Christensen Lane. As such, this portion of the Variance Request cannot be met.

The two primary stipulations discussed in the March 16th letter cannot be met as currently proposed by the Developer. Can you please let us know how Arapahoe County Public Works plans to address these two issues? In addition, has there been any follow-up with Arcadia Creek regarding the development, including any new variance requests that are not currently available to the public at the following website - <https://citizenaccess.arapahoegov.com/CitizenAccess/ARAPAHOE.aspx?>

Again, thanks for your time as we work through the safety issues associated with this development. Happy to jump on a call if it would be easier to discuss over the phone.

D.J.



From: Joseph Boateng <jboateng@arapahoegov.com>
Sent: Tuesday, February 7, 2023 2:38 PM
To: D.J. Steines <dsteines@jeffersonco.gov>
Subject: [EXTERNAL] FVV: Elevation of Leawood access

D.J.,
 Please see email below from Nathan.

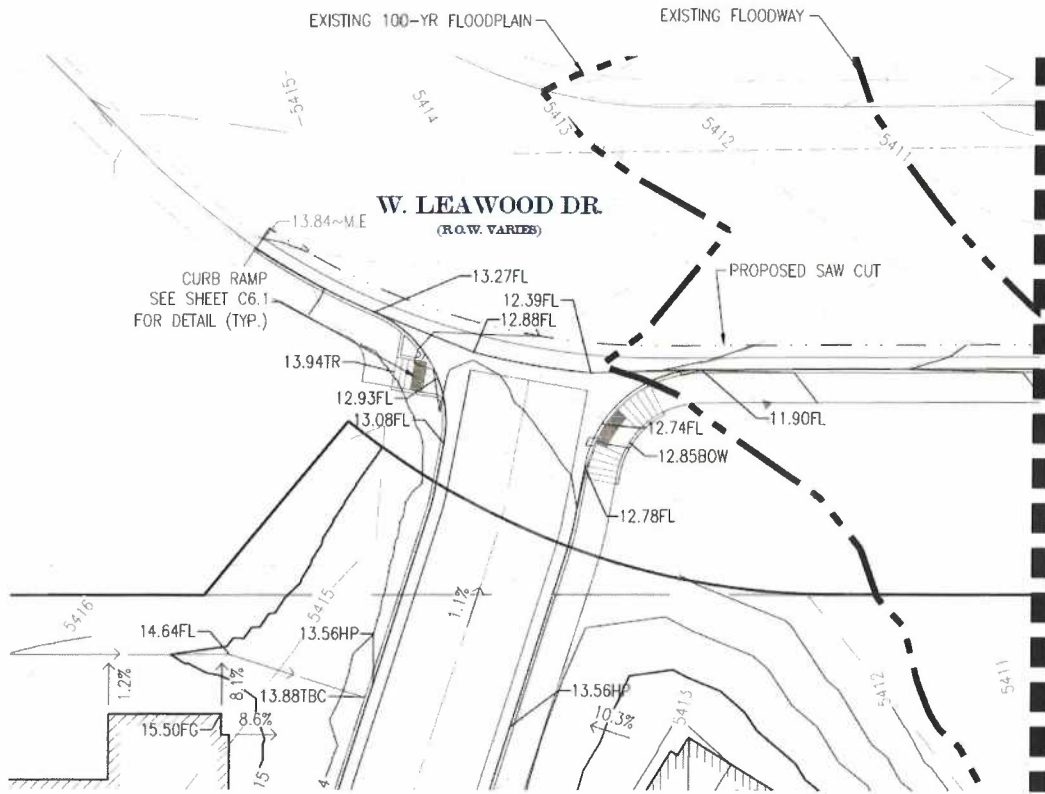
Joseph
 fyi

From: Nathan Seymour <nseymour@co.jefferson.co.us>
Sent: Tuesday, February 7, 2023 2:25 PM
To: Joseph Boateng <jboateng@arapahoegov.com>
Cc: Ross Klopff <rklopff@co.jefferson.co.us>
Subject: RE: Elevation of Leawood access

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Hi Joseph,

The elevations of the Leawood access is at approximately 5413. The floodplain BFE being slightly less than that.



Hope that helps. Let me know if you have any other questions.

Nathan Seymour
Civil Planning Engineer
o 303 271 8751 www.jeffco.us



We encourage scheduling an appointment to see staff during our office hours Monday - Thursday. Please schedule [appointments](#) and submit [applications](#) online. Go to [planning.jeffco.us](#) for more information.

From: Joseph Boateng <jboateng@arapahoegov.com>

Sent: Tuesday, January 31, 2023 8:37 AM

To: Nathan Seymour <nseymour@co.jefferson.co.us>

Subject: --[EXTERNAL]-- Elevation of Leawood access

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Nathan,

Can you provide elevations of the Leawood access point relative to the floodplain to the county?

Sincerely,

Joseph Boateng, PE

Engineering II

Arapahoe County Public Works & Development

6924 S Lima St, Centennial, CO 80112-3853

Direct: 720-874-6575 | Main: 720-874-6500

jboateng@arapahoegov.com <http://www.arapahoegov.com> [[arapahoegov.com](mailto:jboateng@arapahoegov.com)]

From: [KENT STEINES](#)
To: [Joseph Boateng](#); [Molly Orkild-Larson](#); [Chuck Haskins](#); [Robert Victor](#); [KENT STEINES](#)
Subject: RE: Sight Distance and Gate/Fence placement
Date: Friday, October 20, 2023 12:40:41 PM
Attachments: [image001.png](#)
[image002.png](#)

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Chuck - Thank you very much for taking the time to meet with a number of individuals on Monday.

We appreciate your time on this issue.

Robert - I just wanted to follow-up regarding the e-mail that was sent on September 29th.

We know that you are busy, but look forward to a response in the near future.

Thanks and have a nice weekend,

D.J.

On 09/29/2023 9:25 AM MDT KENT STEINES <kentanddj@comcast.net> wrote:

Robert,

Thanks for the quick response. I am certainly not scrutinizing the work of the Arapahoe County team, nor do I believe that I am trying to influence the team with regard to my opinions. I have never done anything like this before and I am just trying to gather additional facts.

I have two additional questions that I hope Arapahoe County can help out with:

1. Sight Distance – As part of your response below regarding the Sight Distance, you state the following “Based on the information provided, the private road should only serve a total of three residences (2 new lots + existing residence in Arapahoe County) and there should not be connectivity for vehicles through the private drive.” I am a bit confused by this statement. As a point of clarification, based on the attached document from Arcadia Creek (reduced from 27 total homes to 26 total homes) there will be approximately 175 daily trips on the private road. This seems materially different than the three homes you referenced. Just to make sure that there has not been a material change in Arcadia Creek’s proposal, can you please let me know how you came up with the three residences as opposed to the 26 homes in the attached .pdf?
2. As previously requested, can Arapahoe County please provide any additional information that the team may have from the developer regarding the location of the gate/entrance into the private road at the end of Christensen Lane? As the turnaround is located in a floodzone, there is a concern that between the location of the gate combined with the flood zone

issue the road will not allow vehicles to safely turnaround on Christensen Lane during a flood event. The location of the gate will certainly help us review this safety concern.

Thanks again for your team's time on these issues.

D.J.

From: Robert Victor <RVictor@arapahoegov.com>
Sent: Monday, September 25, 2023 6:00 PM
To: D.J. Steines
Cc: Joseph Boateng <JBoateng@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>
Subject: [EXTERNAL] RE: Sight Distance and Gate/Fence placement

D.J.,

The comments you are scrutinizing were made by myself as opposed to Joseph, so I think I should be the one to respond to your statements in this email. To clarify the intent of the comments and my response to the clarifications made by the design engineer, I can offer you the following:

1. Sight Distance Triangle - The first submittal showed site distance triangles at the intersection of the private road and Christensen Lane. My comment was to point out that there was a sight distance obstruction located in the site distance triangles shown on the drawings. In the second submittal, the engineer removed the sight distance triangles shown on the drawing and clarified that the intersection operated with left in/right out movements. Therefore, there are essentially no conflicting movements that would necessitate the sight distance triangles. The "OK" was my response to this clarification to my comment. "OK" means that I was fine with the clarification made.
2. Fences and Gates – The comment was only to ascertain what the symbol shown on the drawing represented. There was no symbol shown in the legend that matched what was shown on the drawing in the legend. I asked if this was a fence, as the linetype was similar to what was shown adjacent to it on the same sheet. The clarification made was that it was not fence. "OK" only means that I am fine with the clarification made.

That clarified, while I cannot speak for all staff regarding the merit of the opinions and interpretations you have subsequently forwarded for consideration and response, I do feel that it is necessary to identify that you appear to be (maybe somewhat unknowingly in your defense) attempting to persuade County Staff to adopt your personal opinions in this email. I highly advise all interested parties to be discreet in their objections and mindful about the appearance of attempting to interfere with, or unduly influence, the review process being performed by County Staff. As I mentioned to interested parties previously, Staff has the right to perform an unbiased, impartial, and objective review. While you are entitled to your opinion, please also do not take it personally if Staff does not agree with said opinions. Staff also doesn't owe explanations and justification to the public while we are attempting to provide an objective review of, and due process to, the applicant. If we provide such, it should be considered a courtesy and not an obligation.

That said, regarding your opinions expressed in the email, I can only offer some feedback with regards to the expressed opinions:

1. Sight Distance Triangle – I believe any traffic utilizing the turnaround will be occasional and I don't anticipate that occasional movement to affect the primary operation of that intersection in a quantifiable way. The pedestrian path is now proposed to be located on the north side of the road, so pedestrian safety for the right turn movement shouldn't be an issue (if user types stay in their respective defined modal spaces). Based on the information provided, the private road should only serve a total of three residences (2 new lots + existing residence in Arapahoe County) and there should not be connectivity for vehicles through the private drive. The pedestrian and vehicle numbers are more likely for the entire development and do not consider routes/trip distribution. Also, the trips from this residential driveway are anticipated to be relatively low.
2. Fences and Gates – The County regulates to the 100 yr. return event floodway boundary. This 100 yr. floodplain boundary is delineated on the plans and is located south of the gate/fence location shown on the plans, which technically puts it outside the floodplain.

In closing, I need to reiterate that these are my opinions which I am offering some courtesy clarification for given the circumstances. Given that these comments/issues are relatively minor in nature, I would respectfully request that further inquiries be limited to issues/inquiries that are more substantive in nature if possible.

Respectfully,

Robert Victor, P.E.

Engineering Program Manager

Public Works and Development Services

6924 S Lima Street

Centennial, Colorado 80112

General Office: 720-874-6500

Direct: 720-874-6688

rvictor@araphahoegov.com



ARAPAHOE COUNTY

From: D.J. Steines

Sent: Friday, September 22, 2023 11:32 AM

To: Joseph Boateng <JBoateng@arapahoegov.com>; Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>; Chuck Haskins <CHaskins@arapahoegov.com>

Cc: Robert Victor <RVictor@arapahoegov.com>; D.J. Steines <D.J.Steines@Newmont.com>

Subject: Sight Distance and Gate/Fence placement

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Joseph,

Thank you very much for your time on the phone last week. During that call, we touched based on the following issues:

1. **Sight distance triangle** – As you can see in the picture below, the original comment was that the “existing fence located in sight distance triangle here.” This was then updated to “The site distance triangle has been removed as it is a right out left in movement only.” The next update was “ok.”

As presented in the picture below, there is a turnaround just west of the entrance from Christensen Lane into the private road that is on the Arcadia Creek property. The turnaround is available for vehicles who do not have access to the enter the Arcadia Creek to “turnaround” just west of the entrance and proceed east. If vehicles can therefore go east/west on Christensen Lane just past the entrance Arcadia Creek, then it is clearly not a “right out left in” road. On any given day there can be as many as 100 pedestrians competing with 200 proposed cars from Arcadia Creek. Sight lines are in place to ensure the safety of not only the Arcadia Creek residents, but also those in our community. As we discussed, can you please review this comment and let us know your thoughts?

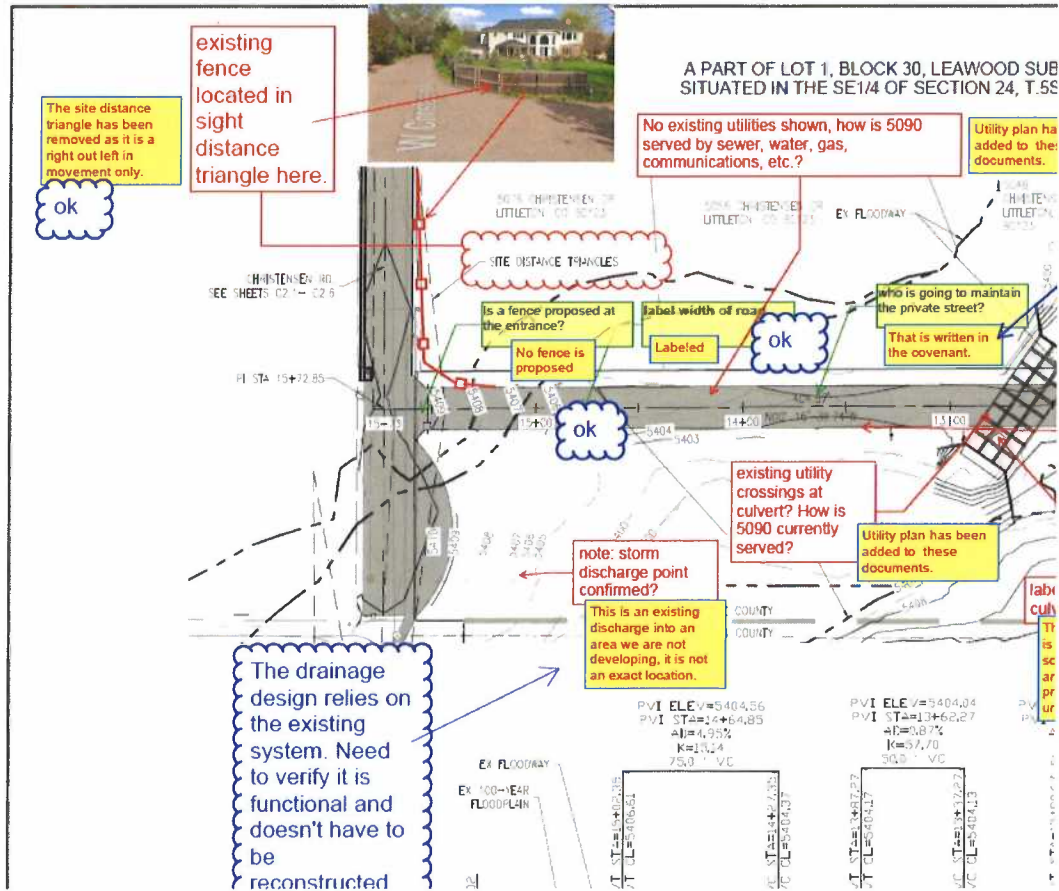
2. **Fences and Gates** - As previously discussed with Arapahoe County, fences and gates are synonymous and are not allowed in flood zones. Based upon the picture below, the original comments asked “Is a fence proposed at the entrance?” The next comment was “No fence is proposed.” The last comment was “ok.” Based upon previous conversations we assume that there would be an entrance gate to Arcadia Creek at the connection of the private road and Christensen Lane.

Can you please confirm with the developer where the gate/fence will be located? Also, if available, can you provide any details regarding the gate that the developer has already submitted to the County?

Again, I appreciate your assistance with these safety issues.

Thanks,

D.J.



From: [wilson wheeler](#)
To: [Molly Orkild-Larson](#)
Cc: [Robert Victor](#)
Subject: Re: Opposition to PM22-006 Arcadia Creek Sub #01 / PM
Date: Sunday, October 22, 2023 5:14:40 PM
Attachments: [image001.png](#)

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Hi Molly - thanks for getting back to me and for adding my comments to the Planning Commission and Board of County Commissioner file.

Robert - thank you for your thorough review of the proposed roadway and drainage plans.

Just to clarify, many of the surrounding residents whose families use the Lane on a daily basis (myself included) have seen the plans and have real concerns about the vehicle and ped/bike interactions under the proposed conditions. Despite the developer's best efforts to engineer an access solution, the Lane simply isn't wide enough to safely accommodate the proposed increase in traffic and the current bike/bed usage. A group of neighbors met with Chuck Haskins last Monday and expressed these views to him as well. My apologies if this seems redundant. I'm just trying to do everything I can to make sure our safety concerns get relayed to all involved in the decision to ultimately deny or approve the proposed roadway width variance.

Thanks again for your time and consideration!

On Wed, Oct 18, 2023 at 10:06 AM Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com> wrote:

Mr. Wheeler:

Thank you for sharing your concerns with me. The applicant is proposing a pedestrian/bike lane with the revised road profile for Christiansen Lane which will allow the continued the use of these travelers. If you would like to discuss this road profile further, please reach out to our engineer, Robert Victor, rvictor@arapahoegov.com.

I'll include your email with the staff reports for the Planning Commission and Board of County Commissioner hearings. To make sure you're heard; I would suggest attending the public hearings (in person or virtually) and voicing your concerns. In my staff report I will also list all the concerns that the neighborhood has with the proposed development. The applicant is still addressing staff comments therefore no public hearings have not been scheduled but you will be notified of these hearings.

The County engineering staff are reviewing the Christensen Lane design for the project, and I look to them for guidance and recommendations. I could talk further with you about your concerns but the most appropriate staff to answer your questions regarding Christiansen Lane would be our engineers.

Please don't hesitate to contact me if you have any further questions or concerns.



ARAPAHOE COUNTY

Molly Orkild-Larson, RLA, AICP

Principal Planner

Public Works and Development

Planning Division

6924 S. Lima Street, Centennial, CO 80112

Office: 720-874-6658

Email: morkild-larson@arapahoegov.com

From: wilson wheeler

Sent: Sunday, October 15, 2023 4:54 PM

To: Molly Orkild-Larson <MOrkild-Larson@arapahoegov.com>

Subject: Opposition to PM22-006 Arcadia Creek Sub #01 / PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Molly,

I am writing to express my opposition to the Arcadia Creek Minor Subdivision Plat (Record PM22-006). This is a unique case as the subject property is located in Jefferson and Arapahoe Counties with proposed access via Christensen Lane. While Christensen Lane is seemingly a small corridor in a large county, it has great significance to the surrounding neighborhoods in Arapahoe County, Jefferson County, and Littleton. For over 25 years, Christensen Lane has served as the only safe pedestrian and bike route that connects Leawood, and surrounding neighborhoods, to the Platte Canyon trail system. The alternative is the sidewalk on Bowles Avenue which adds distance and is quite treacherous given its narrow width, close proximity to traffic, and snow and ice that doesn't melt. Christensen Lane is used daily, year-round, by hundreds of pedestrians, cyclists, and even the occasional equestrian. In addition, children in Fox Hollow, Coventry, Leawood, Columbine Heights, and other surrounding neighborhoods use the Lane to walk or ride to Wilder Elementary School and their LPS bus stops. Given these established usage patterns, we have many safety concerns.

I would also like to point out that access via Christensen Lane is not required to successfully develop the property. The current proposal seems like an attempt to force-fit an unnecessary access solution that will negatively impact all surrounding residents and have a detrimental effect on pedestrian and bike safety. If you have a chance to visit Christensen Lane, I think you will see that the west end of the Lane was never intended to be anything more than a driveway to an old farmhouse. Given the width constraints, it is not realistic to think that the proposed traffic volumes can be safely conveyed with the existing pedestrian and bike usage. Unfortunately, there isn't an engineering solution that will mitigate this situation.

For these reasons, I ask that you please consider the overall impact to both Jefferson and Arapahoe County residents when assessing this subdivision proposal. Despite this being a relatively small development and a seemingly straightforward proposal, it has the potential to adversely impact hundreds of residents while providing no benefit to the community at-large.

Thank you for your consideration,

-Wilson

Wilson Wheeler

January 9, 2023

Via Electronic Mail

Molly Orkild-Larson, Principal Planner
Arapahoe County
morkild-larson@arapahoegov.com
720.874.6658

Re: Homeowner Concerns regarding Pre-Submittal Application for Arcadia Creek (the "Application")

Dear Ms. Orkild-Larson,

We represent Angela and Karlan Tucker (through their Trust) (the "Tuckers") who are owners of the property located at 4520 West Christensen Lane, Littleton, CO. The Tuckers' sole access to their property is from Christensen Lane. We are writing this letter to express the Tuckers' concerns regarding the proposed access to the Arcadia Creek development (the "Development") via Christensen Lane as described in the Application. Please note that while our representation is limited to the Tuckers, the concerns expressed in this letter are also shared by the neighboring homeowners listed at the end of this letter.

Specifically, please note:

- Access Impediments for Trailers and Equipment. The Tuckers' property (and several of the adjacent lots) are approximately 3-4 acres in size and are zoned for horses and other agricultural uses which necessitate the use of large horse trailers, flatbed equipment trailers, etc. The improvements proposed for Christensen Lane, as described in the Application, would involve the narrowing of the current roadway by the installation of a pedestrian pathway which is guarded by a split rail fence that appears to run along the south side of Christensen Lane. This additional barrier will make it difficult, if not impossible, for the Tuckers to access their property with their large trailers and equipment. At a minimum, the Developer should be required to obtain an engineering report to confirm that the proposed improvements to Christensen Lane will not interfere with the Tuckers' ability to access their property with large trailers and equipment as is currently being done. To do so could result in the taking of a primary use of their property resulting in material damage to the Tuckers.
- Rainwater Runoff and Flooding. The Application does not address the potential for additional runoff and flooding as a result of the proposed improvements to Christensen Lane. When previous developments have obtained development approval, the County has consistently required that the developers study the potential for additional runoff and flooding and make improvements to mitigate against the same. If fences and/or concrete culverts are added along Christensen Lane, the flooding potential could increase to the detriment of the properties located south of Christensen Lane (which includes the Tuckers' property). Prior to allowing these improvements, we request that the County require the Developer to further study the potential flooding impact of the Development

1144 Fifteenth Street, Suite 2400, Denver, CO 80202

STINSON LLP \ STINSON.COM

to confirm that the proposed improvements to Christensen Lane will not increase the flooding risk to the property owners located to the south.

- Maintenance and Ownership. Currently, Christensen Lane is a private roadway. The Settlement Agreement recorded February 25, 1994, in Book 7428 at Page 631 requires that the owner of what was then known as the “Jefferson Bank Parcel” maintain and repair Christensen Lane. This obligation was subsequently transferred to the Fox Hollow Homeowners Association for that portion of the road west of the entrance to Christensen Lane Estates and the Platte Canyon Christensen Lane Estates Homeowners Association for that portion of the road east of said entrance (collectively, the “HOAs”). The addition of access for 25 homes via Christensen Lane will dramatically increase the wear and tear on the roadway without any formal legal obligation to pay for its maintenance and upkeep. At a minimum, the County should require that the Developer (and any subsequent owners’ association governing the Development) share the burden of maintaining the roadway and enter into an agreement with the HOAs to do so. We understand you have received comments directly from the HOAs on this issue. Please note that we are supportive of their position on this issue as well.
- Access to Fairway Lane and Columbine Country Club. The Arcadia Creek development is being marketed to potential homeowners, in part, as a way to easily access Columbine Country Club (the “Club”). As you know the entrance to Christensen Lane is very near the entrance to the Club. With all of those additional homeowners potentially seeking to access the Club by crossing Platte Canyon Road at a precarious angle, the potential for accidents will dramatically increase. The County should require the Developer perform a traffic study to confirm that the current cross walks, traffic signals and the like are adequate to handle the additional traffic coming from the Development, in particular as it relates to their ability to directly access the Club entrance from Christensen Lane.
- Increased burden on County Roads. As you are aware only two of the 25 homes proposed for the Development are actually located in Arapahoe County. Permitting the remaining 23 homes located in Jefferson County unrestricted access to the roads in Arapahoe County as a primary means of ingress and egress to their properties puts an undue burden on the taxpayers of Arapahoe County, including the Tuckers. We understand you have received comments directly from the HOAs on this issue. Please note that we are supportive of their position on this issue as well.

Based on a review of the Pre-Submittal Application, the Tuckers are strongly opposed to allowing all 25 homeowners in the proposed Arcadia Creek development the unlimited ability to access their property via Christensen Lane. At a minimum, however, we would request the County consider the issues described above and require that the Developer provide additional evidence to alleviate these legitimate homeowner concerns. In addition, if this matter is considered at a public meeting, we request notice and opportunity to be heard on these issues.

Thank you for your consideration. Please do not hesitate to contact us if you have questions.

Molly Orkild-Larson, Principal Planner
Arapahoe County
January 9, 2023
Page 3

Sincerely,

Stinson LLP

A handwritten signature in black ink, appearing to read "Deborah L. Bayles".

Deborah L. Bayles

DLB:skc

None

cc: Steven J. Koets

Marilyn McGee and Jon La Breche

June 10, 2024

Via E-Mail (MOrkild-Larson@arapahoegov.com; JBoateng@arapahoegov.com)

Molly Orkild-Larson
Principal Planner
Arapahoe County Public Works and Development Planning Department
6924 South Lima Street
Centennial, Colorado 80112

Re: PM22-006: Minor Subdivision Plat for Arcadia Creek LLC

Dear Ms. Orkild-Larson:

Our firm represents Ivar A. Larsen and Anne Larsen, the owners of 5090 West Christensen Lane, Littleton, Colorado 80123. On our clients' behalf, we submit the comments below on the third submittal for the Minor Subdivision Plat application submitted by Arcadia Creek LLC associated with the proposed development at 5100 West Christensen Lane. The third submittal included a revised plat and revised drainage, construction, and grading plans.

I. The Christensen Lane Access Easement does not meet Arapahoe County Requirements

The third submittal does not address the fact that Arcadia Creek does not have access rights on Christensen Lane that are of sufficient width to meet the requirements of Section 4.11.4.5 of the Arapahoe County Infrastructure Design and Construction Standards. We previously raised this issue in correspondence dated January 12, 2023 and August 11, 2023, which is enclosed. This issue remains unresolved. As a result, the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing until it is resolved.

While page 2 of revised plat dated April 6, 2024 does reference the right of way for Christensen Lane and the documents under which ingress and egress were confirmed, there is a section of Christensen Lane on the south side of Lots 1-5 of Christensen Lane Estates where the width of the right-of-way ranges from 22.20' to 22.4'. The plat for Christensen Lane, as defined by settlement and in court cases, is enclosed. Other than land it owns, Arcadia Creek does not have a legal right to use any of the land outside of the area shown on the plat.

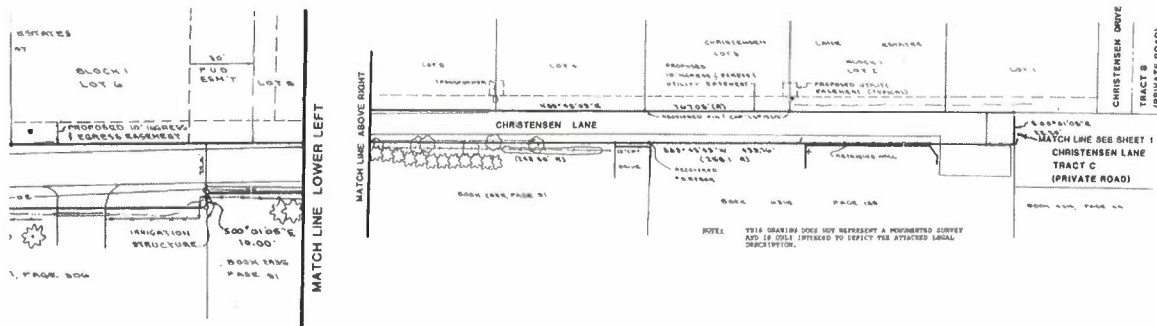
In the section of Christensen Lane that is south of Christensen Lane Estates, Arcadia Creek does not have use rights of sufficient width to meet Arapahoe County requirements because

FENNEMORE.

Molly Orkild-Larson
June 10, 2024
Page 2

Arcadia Creek must have a 20-foot minimum paved section and a six-foot gravel shoulder on each side of the roadway, and a roadside ditch of sufficient drainage capacity.

The section of Christensen Lane from the enclosed plat where Christensen Lane is only 22' in width is shown below for reference. This area is not wide enough to meet County standards.



The plat included with the third submittal does not recognize the limited width of this area or include a plan for this area. The civil construction documents included with the third submittal show plans for Christensen Lane, but those plans stop at Station 13+84, which is west of the narrow section of Christensen Lane. Despite prior correspondence, Arcadia Creek has yet to address the fact that it does not have legal access on Christensen Lane sufficient to meet the County's requirements. The latest submittal is no different - this issue remains entirely unaddressed.

II. Engineering Issues

A report by Mace Pemberton, P.E. is being provided separately. This report addresses engineering issues that have not been appropriately addressed in the third submittal.

Our clients appreciate your consideration of these issues and respectfully request that you find that the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

Sincerely,

FENNEMORE CRAIG, P.C.

David M. "Merc" Pittinos
Director

FENNEMORE.

Molly Orkild-Larson

June 10, 2024

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cc: client

Robert J. Hill (rhill@arapahoegov.com)

LandUseSubmittals@arapahoegov.com

Chuck Haskins (chaskins@arapahoegov.com)

Bill Skinner (WSkinner@arapahoegov.com)

Kat Hammer (KHammer@arapahoegov.com)

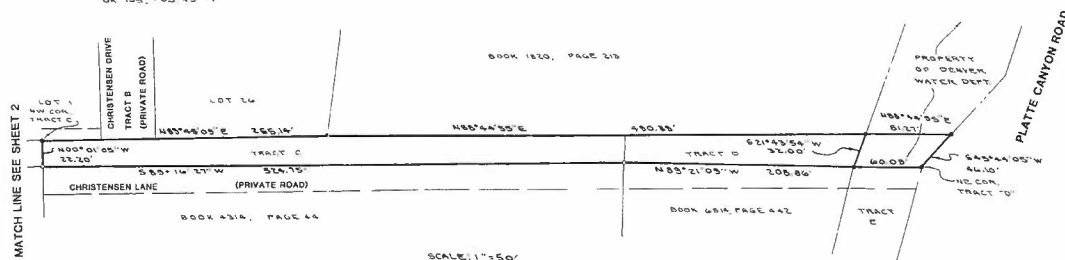
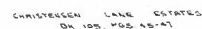
Kelsea Dombrovski (Kdombrovski@arapahoegov.com)

Emily Gonzalez (EGonzalez@arapahoegov.com)

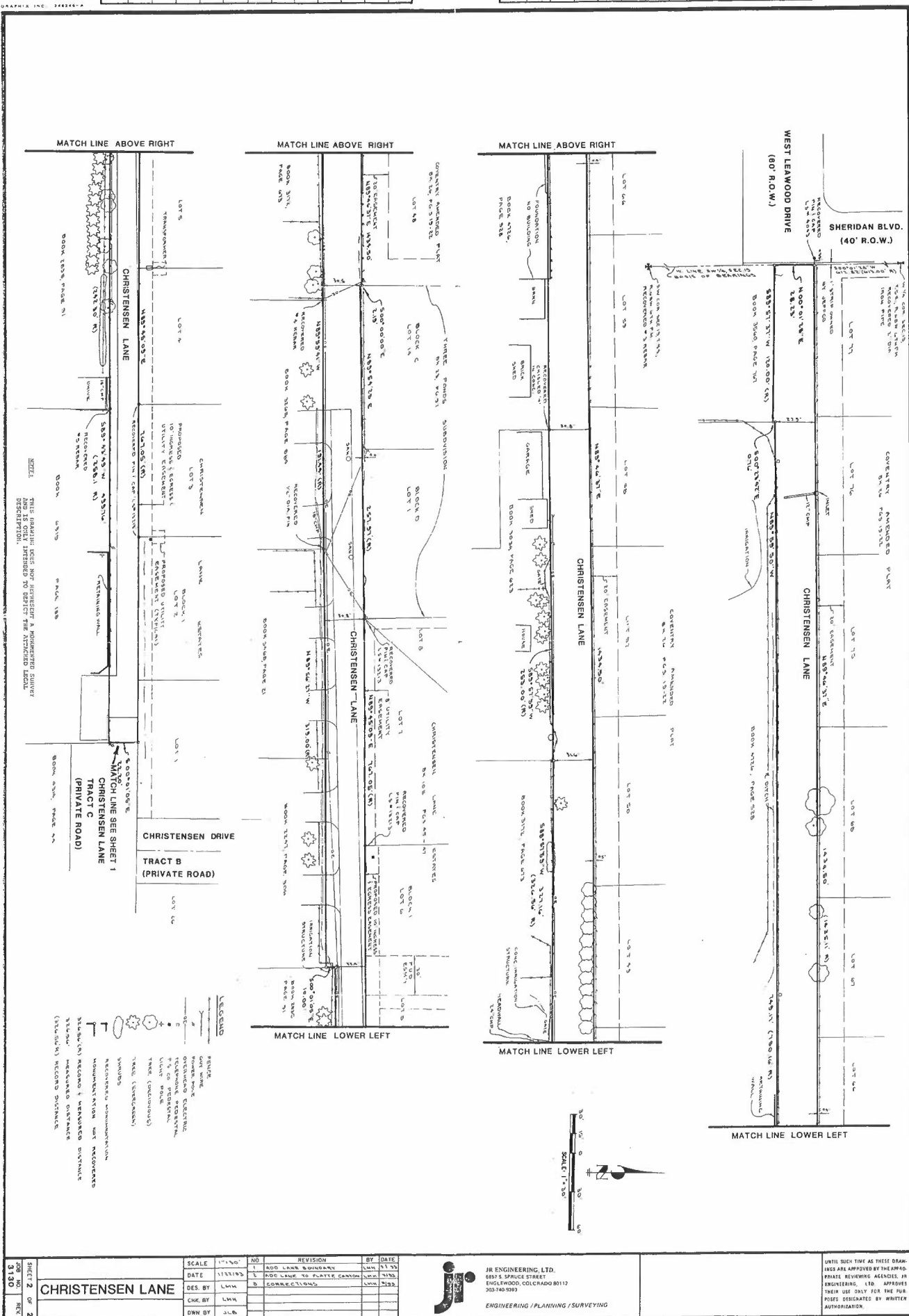
Sarah White (SWhite@arapahoegov.com)

Sue Liu (SLiu@arapahoegov.com)

Tiffany Clark (tclark@semswa.org)

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SHEET 1 OF 2	
JOB NO. 3130	REV.

[illegible]

SHEET NO. 2 JOB NO. 3130 REC.	OF 3 DATE	CHRISTENSEN LANE		SCALE	1"=40'	NO	REVISION	BY	DATE
				DATE	11/3/93	1	ADD LAKE BOUNDRARY	LWH	11/93
				DES. BY	LWH	2	ADD LAKE TO PLATTE CANYON	LWH	11/93
				CHK. BY	LWH		CORRECTIONS	LWH	11/93
				DWN BY	JLB				



JR ENGINEERING, LTD.
6857 S. SPRUCE STREET
ENGLEWOOD, COLORADO 80112
303-740-9393

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UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, IN ENGINEERING, LTD. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.



February 13, 2024

Via E-mail (nseymour@jeffco.us)

Mr. Nathan R. Seymour
Jefferson County Planning and Zoning Department
100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419

Re: Arcadia Creek LLC's Floodplain Permit Application No. 24-101200000-00
5234 West Leawood Drive

Dear Mr. Seymour:

Our firm represents Ivar A. Larsen and Anne Larsen, the owners of 5090 West Christensen Lane, Littleton, Colorado 80123. On our clients' behalf, we submit the comments below related to the resubmittal for the Floodplain Permit Application No. 24-101200000-00 ("Application") submitted by Arcadia Creek LLC associated with the proposed development at 5234 West Leawood Drive and 5100 West Christensen Lane. Robert S. Lazzeri and Elizabeth K. Lazzeri who reside at 5046 Christensen Drive, while not clients of our firm, join in these comments.

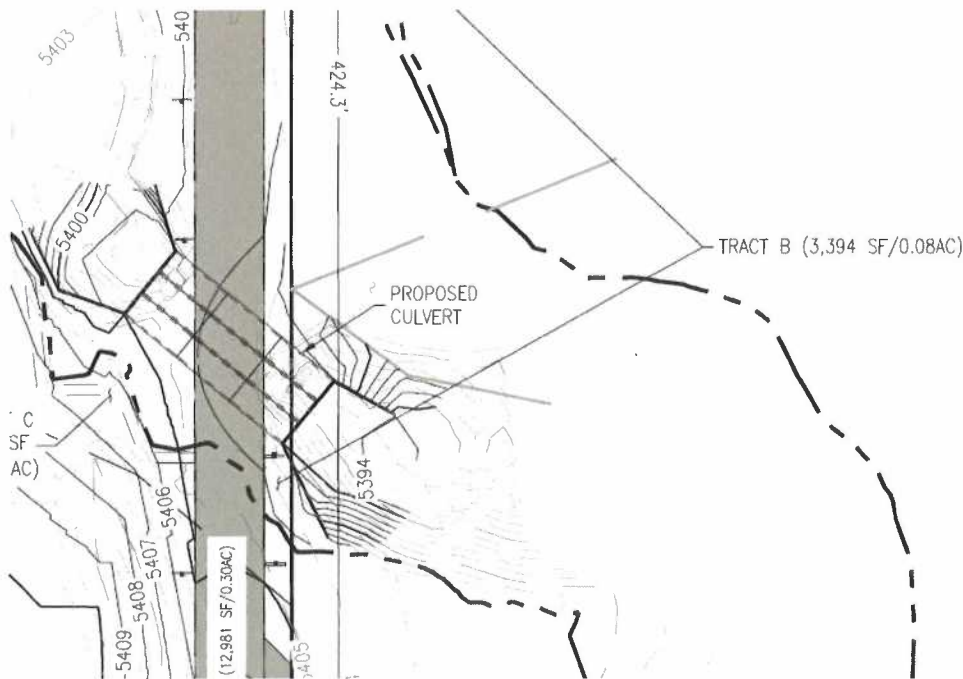
Our clients previously raised the issues addressed in this letter with SEMSWA and Arapahoe County. It is not clear if these comments have been provided to you. They are enclosed for your reference. Based on our initial review of Arcadia Creek's application, it does not appear that it informed you that it does not have a legal right to construct a culvert on our clients' property and that it does not have the permission of our clients or the Lazzeris to perform construction work on their properties.

Currently, there is a culvert located entirely on Arcadia Creek's property for the Coon Creek floodplain drainage. Arcadia Creek has not provided as-built drawings to show where the culvert is located. To support the Arcadia Creek development, this culvert must be enlarged.

As part of the Application, Arcadia Creek submitted drawings showing that it is planning to build a section of the new culvert system on 5090 West Christensen Lane, our clients' property. Construction is likely to impact the property located at 5046 Christensen Drive, a property within the Fox Hollow subdivision. Our clients have not and will not grant Arcadia Creek access rights on their property to construct, maintain, or repair the proposed culvert. If Arcadia Creek wants to construct a new culvert over Coon Creek for its development, it must do so on its own property and in a manner that does not unreasonably interfere with our clients' ingress and egress rights from the north.

Nathan R. Seymour
February 13, 2024
Page 2

Below is a graphic taken from Arcadia Creek's Supplemental Plan submitted as part of the Application. The bold north-south line is the eastern boundary of Arcadia Creek's property. As shown below, the outlet of the culvert and the tail walls for the culvert are not located on Arcadia Creek's property. More detail is provided on the Construction Documents submitted by Arcadia Creek. While the limits of construction border the southwestern boundaries of 5046 Christensen Drive, it is highly unlikely that grading and construction work will be limited to this boundary and will not impact the Lazzeri property.



It has come to our client's attention that either SEMSWA or Arcadia Creek now is taking the position that the Drainage Easement that is identified on the Fox Hollow plat provides an easement for construction of a culvert and tail walls on our clients' property. This is not an accurate assertion.

In correspondence dated September 13, 2021, Tiffany Clark of SEMWSA wrote to Charlie Keener and confirmed that SEMSWA does not have an easement on our clients' property. She wrote, "In the meantime, could you provide a letter or email from the owner allowing

Nathan R. Seymour
February 13, 2024
Page 3

SEMSWA to access the property to remove the debris from the culvert as we do not have an easement.”

The Drainage Easement on our client’s property that is referenced on the Fox Hollow plat was created because of requirements of the Arapahoe County Storm Drainage Design and Technical Criteria. The current Stormwater Management Manual requires that Drainage Easements be granted to Arapahoe County for inspection and maintenance purposes. Under these rules, maintenance responsibility lies with the owner of the land, except as modified by specific agreement. Under the Fox Hollow plat, drainage easements were dedicated to Arapahoe County. Arapahoe County has the right to conduct maintenance of the Drainage Easement, but the maintenance obligations were shifted from Arapahoe County to property owners. Jefferson County has similar requirements under Section 3.3.10 of its Storm Drainage Design & Technical Criteria

Based on the plain language of the Fox Hollow plat and the Arapahoe County Drainage Criteria, neither SEMSWA nor Arcadia Creek has a legal right to construct a culvert or tail walls on our clients’ property. Our clients have granted no such rights and will not grant such rights. Further, the installation of the proposed tail walls would require the removal of a number of trees on our clients’ property, which is unacceptable and not authorized.

Section 16.B.6 and Section 16.C.1 of the Zoning Resolution confirm Arcadia Creek’s obligation to obtain easements for off-site grading and land disturbance work. Section 37 of the Zoning Resolution requires compliance with these provisions. Arcadia Creek has not satisfied or addressed these requirements.

Multiple sections of the Jefferson County Storm Drainage Design & Technical Criteria, including Sections 2.4 and 3.3.1 and 3.3.10 require applicants to identify and discuss easements for off-site improvements and the impact of an altered drainage system on downstream owners. Arcadia Creek has not satisfied or addressed these requirements.

Arcadia Creek’s Phase III report should have addressed off-site easements for the culvert but did not. Arcadia Creek’s Drainage Facility Design should have addressed off-site easements for the culvert but did not. Additionally, the plan does not discuss how the altered floodplain channel would impact our clients’ property or the Lazzeri property. Arcadia Creek has ignored these requirements in violation of Jefferson County requirements.

Nathan R. Seymour
February 13, 2024
Page 4

Because Arcadia Creek does not have a legal right to construct the proposed culvert and has failed to address and satisfy requirements for a floodplain permit, our clients request that you deny the Floodplain Permit.

Sincerely,

MOYE WHITE LLP

A handwritten signature in blue ink, appearing to read "David M. Pittinos".

David M. "Merc" Pittinos

cc: clients
Robert S. Lazzeri and Elizabeth K. Lazzeri
Robert J. Hill (rhill@arapahoegov.com)
Molly Orkild-Larson (MOrkild-Larson@arapahoegov.com)
Joseph Boateng (jboateng@arapahoegov.com)
Tiffany Clark (tclark@semswa.org)
Stacey Thompson (sthompson@mhfd.org)

Enclosure



August 11, 2023

Via E-mail (MOrkild-Larson@arapahoegov.com; jboateng@arapahoegov.com)

Molly Orkild-Larson
Principal Planner
Arapahoe County Public Works and
Development Planning Department
6924 South Lima Street
Centennial, Colorado 80112

Re: PM22-006: Minor Subdivision Plat for Arcadia Creek LLC

Dear Ms. Orkild-Larson:

Our firm represents Ivar A. Larsen and Anne Larsen, the owners of 5090 West Christensen Lane Littleton, Colorado 80123. On our clients' behalf, we submit the comments below on the resubmittal for the Minor Subdivision Plat application submitted by Arcadia Creek LLC associated with the proposed development at 5100 West Christensen Lane.

Arcadia Creek's resubmittal responds to but does not resolve many of the issues raised in our correspondence dated January 12, 2023. That letter is incorporated by reference in its entirety, and our clients raise the same objections to the issues that Arcadia Creek failed to address.

There are a few issues that our clients have asked that we address in more detail.

I. Coon Creek Culvert

The current culvert is located entirely on Arcadia Creek's property. Arcadia Creek has not provided as-built drawings to show where the culvert is located. Arcadia Creek claims in its submittal that the culvert is located on our clients' property and that our clients conceded that point. Arcadia Creek's planned culvert is not on our clients' property, and our clients were clear in their prior comments that the culvert is not located on their property.

Arcadia Creek is planning to build a part of the new culvert system on 5090 West Christensen Lane, our clients' property, and a part on 5046 Christensen Drive, a property within the Fox Hollow subdivision. Our clients have not and will not grant Arcadia Creek access rights on their property to construct, maintain, or repair the proposed culvert. If Arcadia Creek wants to construct a new culvert over Coon Creek for its development, it must do so on its own property and in a manner that does not unreasonably interfere with our clients' ingress and egress rights.

Molly Orkild-Larson

August 11, 2023

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In correspondence dated September 13, 2021, which was included in Arcadia Creek's submittal, Tiffany Clark of SEMSWA wrote to Charlie Keener and confirmed that SEMSWA does not have an easement on our clients' property. She wrote, "In the meantime, could you provide a letter or email from the owner allowing SEMSWA to access the property to remove the debris from the culvert as we do not have an easement."

It has come to our client's attention that either SEMSWA or Arcadia Creek is taking the position that the Drainage Easement that is identified on the Fox Hollow plat provides an easement for construction of a culvert and tail walls on our clients' property.

The Drainage Easement on our client's property that is referenced on the Fox Hollow plat was created because of requirements of the Arapahoe County Arapahoe County Storm Drainage Design and Technical Criteria. The current Stormwater Management Manual requires that Drainage Easements are granted to the County for inspection and maintenance purposes. Under these rules, maintenance responsibility lies with the owner or the land, except as modified by specific agreement. Under the Fox Hollow plat, easements were dedicated to Arapahoe County. Arapahoe County has the right to conduct maintenance of the Drainage Easement, but the maintenance obligations were shifted from Arapahoe County to property owners.

Based on the plain language of the Fox Hollow plat and the Arapahoe County Drainage Criteria, neither SEMSWA nor Arcadia Creek has a legal right to construct a culvert or tail walls on our clients' property. Further, the installation of the proposed tail walls would require the removal of a number of trees on our clients' property, which is unacceptable and not authorized.

Because Arcadia Creek does not have a legal right to construct the proposed culvert, we request that you find that the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

II. The Christensen Lane Access Easement does not meet Arapahoe County Requirements

The second submittal does not address the fact that Arcadia Creek does not have access rights on Christensen Lane that are sufficient to meet the requirements of Section 4.11.4.5 of the Arapahoe County Infrastructure Design and Construction Standards. The detail for this point was outlined in correspondence dated January 12, 2023, which is incorporated by reference. As a result, the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

Molly Orkild-Larson

August 11, 2023

Page 3

III. Engineering Issues

A report by Mace Pemberton, P.E. is being provided separately. This report addresses engineering issues that have not been appropriately addressed.

Our clients appreciate your consideration of these issues and respectfully request that you find that the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

Sincerely,

MOYE WHITE LLP

A handwritten signature in blue ink, appearing to read "David M. Pittinos".

David M. "Merc" Pittinos

cc: client
Robert J. Hill (rhill@arapahoegov.com)
Tiffany Clark (tclark@semswa.org)



January 12, 2023

Via E-mail (MOrkild-Larson@arapahoegov.com; jboateng@arapahoegov.com)

Molly Orkild-Larson
Principal Planner
Arapahoe County Public Works and
Development Planning Department
6924 South Lima Street
Centennial, Colorado 80112

Re: PM22-006: Minor Subdivision Plat for Arcadia Creek LLC

Dear Ms. Orkild-Larson:

Our firm represents Ivar A. Larsen and Anne Larsen, the owners of 5090 West Christensen Lane Littleton, Colorado 80123. On our client's behalf, we submit the comments below on the Minor Subdivision Plat application submitted by Arcadia Creek LLC associated with the proposed development at 5100 West Christensen Lane.

Section 5-6.6(C) of the Arapahoe County Land Development Code ("LDC") outlines the process for the evaluation of Minor Subdivision Plats. Under this Section, Minor Subdivision Plats are processed in accordance with the requirements, standards and procedures for Final Plats. The requirements for Final Plats are outlined in Section 5-6.3 of the LDC. Consequently, Section 5-6.3(B) of the LDC outlines the approval standards for Final Plats and Minor Subdivision Plats. Section 5-6.B.3 of the LDC requires that applications for minor subdivision plats may be approved only if the plan is in compliance with all applicable zoning regulations governing the property adopted by the Board of County Commissioners.

Section 1-1 of the LDC confirms that the LDC includes and incorporates the Arapahoe County Zoning and Subdivision Regulations duly adopted by the Arapahoe County Board of County Commissioners.

Section 4-2 of the LDC outlines development guidelines and standards for proposed land development. Under Section 4-2.1.B.1 of the LDC, all development applications must comply with the Standards outlined in Section 4-2.4 of the LDC.

Under Section 4-2.4.2.e, all streets abutting a subdivision shall be complete with curb, gutters, sidewalks, and pavements which shall be designed and constructed in accordance with the Arapahoe County Infrastructure Design and Construction Standards ("IDCS").

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January 12, 2023
Page 2

The IDCS govern the standards for roadway design for private roads. Under 4.11.1 of the IDCS, a Private Road is defined as any roadway, serving two or more residential lots, which will not be maintained by Arapahoe County. Christensen Lane is a Private Road. The road from Christensen Lane that serves 5090 West Christensen Lane is also a Private Road.

I. The Christensen Lane Access Easement does not meet Arapahoe County Requirements

Arcadia Creek does not have access rights on Christensen Lane that are sufficient to meet the requirements of Section 4.11.4.5 of the Arapahoe County Infrastructure Design and Construction Standards. As a result, the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

The access rights (the “Access Easement”) over Christensen Lane that are relied upon by Arcadia Creek for its development are defined under a Settlement Agreement resolving Arapahoe County District Court Case No. 1992CV2564 (“Christensen Lane Settlement Agreement”), the Order for Entry of Final Judgment in that case (“Final Judgment”), and the Order from Arapahoe County District Court Case No. 2019CV31104 dated July 13, 2020 (“2020 Court Order”).

The Christensen Lane Settlement Agreement was recorded on February 25, 1994 at Reception No. 94029892 and Book 7428 and Page 631 in the records of the Arapahoe County Clerk and Recorder. The Final Judgment was recorded on July 6, 1993 at Reception No. 93084535 and Book 7013 and Page 664 and on November 3, 1993 at Reception No. 93153224 and Book 7224 and Page 676 in the records of the Arapahoe County Clerk and Recorder. The 2020 Court Order has been recorded in Jefferson County, but does not appear to have been recorded in Arapahoe County.

The Christensen Lane Settlement Agreement and the Final Judgment both include a legal description for the Access Easement. A plat of the Access Easement is not included in either document. Enclosed as Exhibit 1 is a plat showing the legal description for Christensen Lane. At its most narrow, at the west end of Christensen Lane Estates, the easement is 22.2 feet in width. At its widest, the easement is 31.6 feet in width. Arcadia Creek has this document in its possession, but it does not appear to have been provided to the Planning Department as part of the Minor Subdivision application, although portions of the legal description do appear to have been relied upon by Arcadia Creek’s engineers where the Access Easement is more than 30 feet in width (Compare C2.1 with C2.5). Where the Access Easement is less than 30 feet in width, Arcadia Creek’s engineers appear to have largely ignored the decreed width of the Access Easement and have described the

Molly Orkild-Larson
January 12, 2023
Page 3

distance between fence lines on the north and south sides of Christensen Lane, which do not define the northern and southern boundaries of the Access Easement. There are multiple descriptions for the width of Christensen Lane which are based on the distance between fences, a proposed thirty-foot-wide easement, and an undefined easement. For example, on Page C2.1, the cross section references a proposed 30.0' easement and a distance of 28.2' between fences. Page C2.1 references a 30.0' Utility Easement. Page C2.2 references an existing 29.6' easement. The Construction Drawings do not explain or provide context for the various calculations or easement references. None appear to tie to the Access Easement.

Neither the ALTA nor the Construction Documents show the complete platted legal description for the Access Easement over Christensen Lane. The Construction Documents are largely based on a proposed easement that is 30 feet in width. They are not based on the Access Easement that was confirmed under the Final Judgment, Settlement Agreement, and 2020 Court Order.

There is an overhead power line along the south side of Christensen Lane. This does not appear on the Construction Drawings or the ALTA.

Section 4.11.4.5 of the IDCS requires a 20 foot-wide paved driving surface and a 6 foot gravel shoulder on each side of the road for a rural private roadway. Arcadia cannot meet this requirement in the section of the Access Easement that is approximately 22 feet in width. It also cannot meet this requirement in any section of the Access Easement because there is not sufficient room for a 20-foot wide paved driving surface, a 5-foot wide pedestrian lane, gravel shoulders on either side of the roadway, and a roadside ditch of sufficient drainage capacity.

The design for the roadway does not track any cross-section in Arapahoe County's Typical Public and Private Roadway Cross Sections, and no variance for this cross-section has been granted. The currently proposed plan is different than the plan that the Arapahoe County Technical Review Committee analyzed in February 2020. In multiple locations, it appears that the proposed design exceeds the maximum grade limitations imposed by the IDCS for both the gravel shoulders and the roadside ditch. In some locations, a grade beam will be necessary on the south side of Christensen Lane to support pavement. It is not clear whether the location of the grade beam is within the Access Easement and, as a result, whether Arcadia Creek has a legal right to construct a grade beam on the south side of Christensen Lane.

The design for the roadway includes the construction of a concrete channel on the north side of Christensen Lane. Arcadia Creek has not established that it has a legal right under the Access Easement to construct such improvements. No such rights are expressly granted

Molly Orkild-Larson

January 12, 2023

Page 4

under the Settlement Agreement or the Final Judgment. Because the legal description for the Access Easement is not platted on the Construction Documents, it is not clear that the channel is even within the Access Easement. Further, it is not clear how cars will be able to safely travel over the gap within the channel without danger. The gap is wider than a standard car tire.

It also is not clear how bi-directional traffic can safely pass through a narrow roadway with a channel on one side and a grade beam on the other. No Cross Sections within the IDCS that would contemplate such a roadway. Until these issues are appropriately addressed, the Minor Subdivision Plat should not proceed.

The Coventry Subdivision, which is located north of Christensen Lane, has a private storm sewer system within the Access Easement. While the storm sewer system has existed for years, there is not a recorded easement for the storm sewer system. A brief description of the privately-owned storm sewer system is outlined in the e-mail attached as Exhibit 2, which the City of Littleton provided to Arapahoe County in 2004. Arcadia Creek has proposed modifications to this storm-sewer system (C2.1 – C2.3, C2.5), but it has not established a legal right to do so or that the Coventry Subdivision has consented to these modifications. This is an important issue because Arcadia Creek is proposing to remove grated inlets that are essential for the operation of Coventry's storm drain system. The plan, as proposed, may create significant drainage problems in Christensen Lane. Until Arcadia Creek can establish a legal right to use and modify this system, its Minor Subdivision Plat should not proceed.

Parcels along the south side of Christensen Lane have water rights that are delivered by an irrigation channel. The irrigation channel does not appear to be addressed anywhere on the plans and it does not appear that Arcadia Creek's engineers have given any consideration to the impact of the proposed plan on the delivery of this irrigation water. Until these issues are addressed, the Minor Subdivision Plat should not proceed.

Because of its narrow width, there is not sufficient space for snow storage within the Access Easement. Historically, this has not been an issue because of the limited use of Christensen Lane west of the Fox Hollow subdivision. With the increased use proposed by Arcadia Creek, it will become an issue. During winter, the proposed concrete channel will be covered with plowed snow. There is no analysis of where plowed snow will be stored, how the proposed concrete channel will function in conjunction with the pre-existing storm sewer system during winter, and or how the proposed system will prevent the north side of Christensen Lane from icing over and creating a dangerous situation on the roadway for the residents using Christensen Lane. This is one example of how the limited width of Christensen Lane is not sufficient for use by twenty-five additional homes.

Molly Orkild-Larson

January 12, 2023

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II. Settlement Agreement Limitations

When the Christensen Lane Settlement Agreement was signed, the owners of the property now owned by Arcadia Creek were opposing the development of the Fox Hollow subdivision. The purpose of the Christensen Lane Settlement Agreement was to establish legal rights of ingress and egress over a strip of land known as West Christensen Lane for the benefit of all persons or entities owning property bordering the south side of West Christensen Lane. Arcadia Creek's proposal violates several provisions in that agreement.

First, under the Christensen Lane Settlement Agreement, the developer of the Fox Hollow subdivision assumed responsibility for paving Christensen Lane up to the entrance of the Fox Hollow subdivision and maintaining and repairing West Christensen Lane. The owner of Arcadia Creek's property had no such obligation. This is important because Arcadia Creek is unilaterally assuming construction obligations under its proposed plan that it does not have the right or obligation to perform under the Christensen Lane Settlement Agreement. Further, the parties agreed that the roadway that was paved under the Christensen Lane Settlement Agreement (see Section 3(a)) would not have curbs or gutters, and Arcadia Creek is proposing a new roadway bounded with an extensive gutter system.

Under Section 3(d) of the Christensen Lane Settlement Agreement, the parties agreed that if access from West Leawood Drive over Christensen Lane would be limited to emergency access. Arcadia Creek's proposal attempts to circumvent this limitation and provide direct access from Jefferson County to Arapahoe County for non-emergency purposes.

Our clients are concerned that there is no mechanism to stop vehicles from driving around the proposed gate across the access road from Christensen Lane to their property. Arcadia Creek cannot build a fence in the floodplain, and our clients are concerned that this opening will be used for access to and from Jefferson County from Arapahoe County.

Under Section 3(f) of the Christensen Lane Settlement Agreement, the parties confirmed a mutual understanding that Christensen Lane would not become a public right-of-way. Under Section 3(g) of the Christensen Lane Settlement Agreement, the parties agreed that the Access Easement would be subject to existing improvements, including vegetation, and that such improvements would be permitted to remain in their present location. Arcadia Creek has no right to make modifications outside of the Access Easement, and it appears that Arcadia Creek is seeking to make modifications to pre-existing improvements within the Access Easement, which the parties expressly agreed could remain.

Arcadia Creek has proposed sight triangle maintenance prohibitions for its development that violate Section 3(g) of the Christensen Lane Settlement Agreement. It does not appear

Molly Orkild-Larson
January 12, 2023
Page 6

that the owners of 5076 Christensen Drive have agreed to such limitations on the use and development of their property, Arcadia Creek does not have a legal right to impose such restrictions on property owned by third-parties, and two fences and landscaping currently violate these prohibitions.

Section 3(h) of the Christensen Lane Settlement Agreement prohibits the impairment or destruction of drainage and irrigation ditches. Arcadia Creek does not clarify whether its plans violate this prohibition.

III. Access to 5090 West Christensen Lane over 5100 West Christensen Lane

Our clients have an access easement over the east side of 5100 West Christensen Lane (“5090 Access Easement”). They rely on the 5090 Access Easement to access their property. This access easement was confirmed under a Settlement Agreement and Quiet Title Decree resolving Arapahoe County District Court Case No. 1994CV2094. The Settlement Agreement (“5090 Access Settlement Agreement”) was recorded on April 6, 1995 at Reception No. 95032990 and Book 7913 and Page 401 of the Records of the Arapahoe County Clerk and Recorder. The Stipulated Quiet Title Decree (“5090 Access Decree”) was recorded on April 6, 1995 at Reception No. 95032991 and Book 7913 and Page 409 of the Records of the Arapahoe County Clerk and Recorder.

Under Section 5.a of the 5090 Access Decree, our clients are entitled to unrestricted and unlimited permanent rights of ingress and egress across and through the Driveway (which is legally described in the 5090 Access Decree), to and from West Christensen Lane. Arcadia Creek has proposed installing a locked, private gate across the Driveway and this violates our clients’ court-decreed access rights.

While Section 3.a of the 5090 Access Settlement Agreement entitles Arcadia Creek to make changes to the Driveway which do not unreasonably interfere with the ingress and egress easement, the right to make changes does not entitle Arcadia Creek to install a private, locked gate. This is because locked gates are usually considered an unreasonable burden, even if the easement holder is provided with keys. *Lazy Dog Ranch v. Telluray Ranch Corp.*, 923 P.2d 313, 317 (Colo. App. 1996). Locked gates can be acceptable when the deed specifically provided for gates at the entrance and exit of the easement. However, neither the 5090 Access Settlement Agreement nor the 5090 Access Decree provide Arcadia Creek with the right to install a gate at the entrance and exit of the easement. Because our clients are entitled to unrestricted and unlimited rights of ingress and egress to their property, Arcadia Creek is prohibited under Colorado law from installing a private gate between our clients’ property and Christensen Lane.

Molly Orkild-Larson
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When the 5090 Access Settlement Agreement and Decree were finalized, our clients' predecessors agreed to share the costs associated with maintenance and repair of the Driveway. Our clients' predecessor agreed to indemnify Arcadia Creek's predecessor for damages caused by visitors to its property and to pay insurance costs associated with use of the Driveway. Our clients object to paying any maintenance or repair costs associated with the new culvert that has been proposed or the modified driveway that has been proposed. Our clients also object to indemnification or insurance obligations associated with the new driveway and culvert.

Further, the Arapahoe County Notes on the Construction Drawings (C0.0) include references to "Street Maintenance," "Drive, Parking Areas, and Utility Easements Maintenance," "Private Street Maintenance," "Drainage Liability," "Landscape Maintenance." Our clients will not assume any of these responsibilities for the proposed development and have not agreed to do so. Similarly, they will not agree to expand their repair and maintenance obligations beyond those obligations contemplated under the 5090 Access Settlement Agreement or Decree.

Under the first page of Plan Set for the Minor Subdivision Plat, the Easement Chart states that our clients will have an access easement where the Surface/Improvement Maintenance Responsibility is allocated to the Property Owner. It is not clear what easement this chart is referencing, but the Larsons do not agree to bear any additional expenses or cost-sharing arrangements beyond those contemplated under the 5090 Access Settlement Agreement or Decree.

Under Section 3.d of the 5090 Access Settlement Agreement, our clients are only allowed to use the Path within the Driveway for ingress and egress. Under Arcadia Creek's proposed plans, the Path is moved eight feet to the west and eliminates our clients' access right to their Property. Our client's use of any part of the Driveway outside of the Path triggers a fine of \$100 per day under Section 5.c of the 5090 Access Decree. Our clients do not consent to changes to the Path that trigger fines.

Page EC02 of the GESC Plans and Page C1.0 of the Construction Drawings and the Plat Set for the Minor Subdivision show different locations for the proposed road. Under Page C1.0 of the Construction Drawings and the Plat Set for the Minor Subdivision, the roadway is moved to the west and begins approximately 8 feet west of the eastern boundary of the Arcadia Creek Property. This location appears to be different than the location of the road shown on Arcadia Creek's drainage plans. Please confirm whether Mile High Flood District and SEMSWA have approved the new road location.

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Finally, it appears that the transition between Tract G and Tract H is likely to cause drainage problems on our client's property because Tract G is curbed and Tract H is not. What measures are in place to ensure that drainage flowing north from Tract G does not impact our clients' property.

IV. Coon Creek Culvert

Arcadia Creek has proposed building a new culvert across Coon Creek. The culvert is approximately 21 feet wide and 64 feet long.

The current culvert is located entirely on Arcadia Creek's property. Arcadia Creek's planned culvert is not.

Arcadia Creek is planning to build a part of the new culvert system on 5090 West Christensen Lane, our clients' property, and a part on 5046 Christensen Drive, a property within the Fox Hollow subdivision. Our clients have not and will not grant Arcadia Creek access rights on their property to construct, maintain, or repair the proposed culvert. If Arcadia Creek wants to construct a new culvert over Coon Creek for its development, it must do so on its own property and in a manner that does not unreasonably interfere with our clients' ingress and egress rights.

Our clients want to emphasize that they believe that this culvert, as proposed, is not safe. Without guard rails, cars, golf carts, and bike riders are likely to drive off of the culvert, especially in the winter, and pedestrians, especially children who frequently play in this area, are likely to fall off the culvert. Our clients will assume no liability for this structure.

V. Drainage

Arcadia Creek has proposed drainage onto our clients' property from the southwest corner of the proposed development. Our clients have not granted and will not grant Arcadia Creek a drainage easement over their property for the proposed development.

VI. Engineering Issues

A report by Mace Pemberton, P.E. is being provided separately. This report addresses engineering issues that have not been appropriately addressed in the Minor Subdivision Plat.

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Our clients appreciate your consideration of these issues and respectfully request you're you find that the Minor Subdivision Plat is not ready to proceed and should not be forwarded to the Planning Commission for a hearing.

Sincerely,

MOYE WHITE LLP

A handwritten signature in blue ink, reading "David M. Pittinos". The signature is fluid and cursive, with the first name "David" and last name "Pittinos" clearly legible.

David M. "Merc" Pittinos

cc: client
Robert J. Hill (rhill@arapahogov.com)

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, BEING MONUMENTED AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19 BY A 2" IRON PIPE AND AT THE SOUTHWEST CORNER OF SAID SECTION 19 BY A NO. 3 BEAR WITH A LINE BETWEEN ASSUMED TO BEAR $80^{\circ}01'28''$ W.

[illegible]

BEGINNERS AT "THE NORTHEAST CORNER OF TRACT C", 150 FEET
 RESTATE (PRIVATE ROAD). THENCE N89°12'37" W, A DISTANCE OF 135.14
 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED
 TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED
 TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED IN DEED
 SOUTH LINE OF SAID PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK
 1810 AT PAGE 113, A DISTANCE OF 140.33 FEET TO THE NORTHEAST CORNER
 OF A PARCEL OF LAND CONVEYED IN DEED RECORDED IN BOOK 1810 AT
 ALONG THE EAST LINE OF SAID TRACT "C", A DISTANCE OF 31.00 FEET TO
 THE NORTH LINE OF A PARCEL OF LAND CONVEYED IN DEED RECORDED
 BOOK 6514 AT PAGE 1482 THENCE N89°21'50" W AND ALSO SAID NORTH
 LINE OF TRACT "C" 20.86 FEET TO THE NORTHEAST CORNER OF A PARCEL
 OF LAND CONVEYED IN DEED RECORDED IN BOOK 1810 AT PAGE 113
 S89°16'23" W AND ALSO THE NORTH LINE OF SAID PARCEL OF LAND
 CONVEYED IN DEED RECORDED IN BOOK 1810 AT PAGE 113 TO THE
 324.75 FEET TO THE WEST LINE OF TRACT "C", CHRISTENSSON LOTS; THENCE
 S89°16'23" W, A DISTANCE OF 32.20 FEET TO THE SOUTHEAST CORNER
 THE POINT OF BEGINNING. CONTAINING 374.95 ACRES.

AND

BEGINNING AT THE CORNER CORNER OF TRACT "D", CHRISTENSEN LANE ESTATES; THENCE R63°21'09"W ALONG THE NORTH LINE OF SAID TRACT "D", A DISTANCE OF 60.49 FEET; THENCE R21°43'51"E AND ALONG EAST LINE OF SAID TRACT "D", A DISTANCE OF 12.00 FEET; THENCE R88°44'59"E, A DISTANCE OF 81.72 FEET TO THE WEIRLY LINE OF PLATS 65080 ROAD, THENCE S45°44'05"W AND ALSO SAID WEIRLY LINE, A DISTANCE OF 46.19 FEET TO THE POINT OF BEGINNING, CONTAINING 0.030 ACRE.

ALL RECORDED DEEDS AND PLATS REPEATED TO IN THIS LEGAL DESCRIPTION
ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF
ARAPAHOE COUNTY, COLORADO.

LEGAL DESCRIPTION STATEMENT

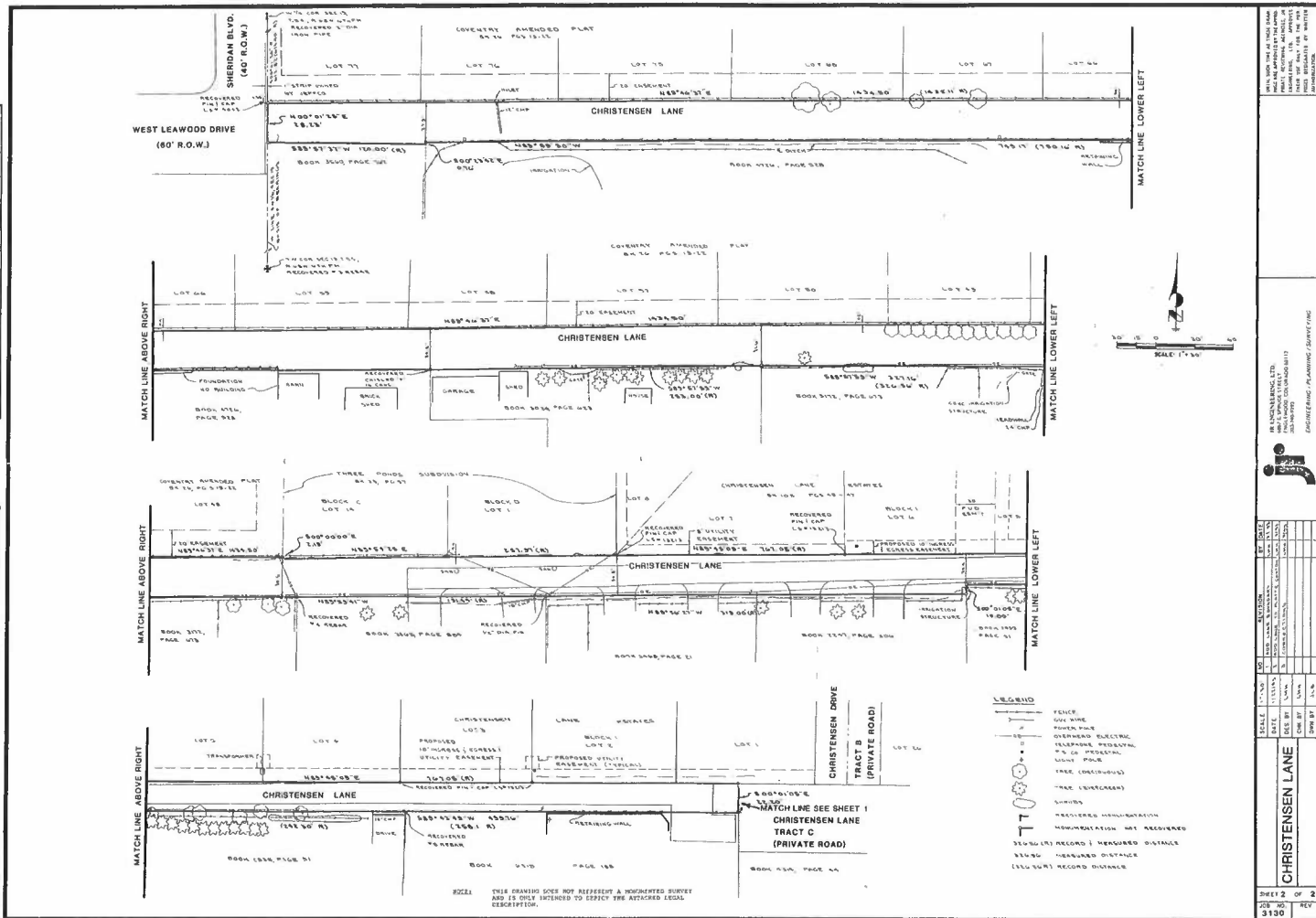
I, LEWIS M. HELMS, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

Lewis M. Reips 2-19-93
LEWIS M. REIPS, REGISTERED LAND SURVEYOR
COLORADO NO. 24208
FOR AND ON BEHALF OF JR ENGINEERING, LTD.

NOTE: THIS DRAWING DOES NOT REPRESENT A MONITORING SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

CHRISTENSEN LANE

SHEET 1 OF	
JOB NO.	REV.
3139	



SHEET 2	JOB NO. 3130	REV	OF	2
CHRISTENSEN LANE				
SCALE	1"=40'	NO	DIVISION	
DATE	11/13/88	1	RED LANE BRIDGE	
DRAWN BY	W.A.	2	RED LANE TO RAILROAD BRIDGE	
CHECK BY	W.A.	3	TOWN OF CHANDLER	
DATE	1/1/89	4	TOWN OF CHANDLER	
DATE	1/1/89	5	TOWN OF CHANDLER	