

March 4, 2019

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Reference: Rollin Ridge Estates Preliminary Plan and Commercial PUD Application

NEPCO is providing the collective input from its membership that includes 9,000 homeowners, 43 HOAs, and 20,000 registered voters within and around Monument. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members, and families. We collectively address growth and land use issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

As we have routinely noted, the EPC Development Services failure to use or enforce the use of tracked changes in land development documents (especially from the developer) continues to make it very tough for reviewers who are looking at all documents to see if, and what, changes have been made. We again beseech you to remedy your current procedures.

We have reviewed the Rollin Ridge Estates additional project and review documents submitted to the El Paso County Development Application Review (DAR) website since our NEPCO letters of May 8, 2018, August 4, 2018, September 29, 2018, and November 28, 2018. In addition, a NEPCO representative met with the developer and his team on June 21, 2018 at the developer's request. Our comments follow.

1. In essence, this latest request for review is just an application for an extension of time for the Planning Commission hearing so that the developer's road deviation requests can be granted prior to the hearing. Since it appears that very little else is updated at this stage, most of our previous comments still apply and are included below. In addition, we have added a few more comments which have been highlighted in bold for your convenience and to make review easier.
2. As to the commercial node at the intersection of SH83 and Hodgen Road, we still find no satisfactory answer as to whether the developer has, or intends to, "determine commercial uses which are specifically geared toward the needs of local residents" in accordance with the Tri-Lakes Comprehensive Plan, Map 7.1, Legend, page 142.

Since by the developer's words (Oct 17, 2018 NEPCO Response Letter, page 2, top), "The purpose and intent of the initial PUD Development Plan is to verify the overall feasibility of the proposed development program," documents which already purport to indicate that a gas station with convenience store, medical-dentist office building, and 5 buildings described as a "shopping center" will be placed there ought to be questioned as to their feasibility when the Tri-Lakes Comprehensive Plan, page 121, provides guidance on determining local needs. The Plan states, "Commercial uses that serve the needs of local residents, such as a church, a school, a tack and feed store, or a medical office could potentially be compatible if they are designed in a manner which is consistent with the rural character of the Sub-Area. Regional commercial uses that are not supported by the residents include uses with extended hours of operation and are of a nature inconsistent with the rural character of West Cherry Creek. These might include such uses as a gas station or a transfer station that have bright lights and rely on regional drive-by traffic."

- a. We note that a gas station with convenience store and a "shopping center" seems to be exactly the type of business to attract and depend on regional drive-by or non-local traffic. (See support for this assumption in the updated Traffic Impact Study which predicts 45% diverted and 40% pass-by trips for the gas station/convenience store, and 10% diverted and 25% pass-by trips for the shopping center on Table 7, page 16.)
3. Updated (Nov 2, 2018) Traffic Impact Study: We still see no responses to the following--
 - b. Relying on a snapshot for traffic counts on one day during the middle of summer (June 21, 2017) appears to be the basis for this analysis of background traffic counts. People in Colorado do take vacations and a one-day all or nothing approach during the summer may be fraught with errors (e.g., lack of school bus traffic and delays).
 - c. Please note that if this Traffic Study is relying on approach delays, it certainly has not stated it. At a minimum, the Study should define what is meant by both control and approach delays if it is going to employ those concepts.
 4. We see no response to the following: Under the EPC Land Development Code, Section 5.2.5., Map Amendment (Rezoning), (B) Criteria for Approval, the BoCC must find that "The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned."
 - a. One of the applicable Small Area Plans, the Tri-Lakes Comprehensive Plan, Chapter VI: Sub-Area 8—West Cherry Creek, page 125, states that "this Sub-Area should remain primarily rural and/or rural residential with lot sizes averaging a minimum of five acres exclusive of roads and tracts not devoted to open space areas. Large lot clustering options, utilizing minimum 2½ acre lots should be considered only if there is strict adherence to this overall density approach and if adequate mechanisms for implementation are available. Consider density bonuses for clustering that would preserve natural open space with view corridors."

- b. The Tri-Lakes Comprehensive Plan, page 64, also states that “Designation in the rural residential category does not automatically imply the acceptability of lots as small as 2.5 acres.”
 - c. A close reading of the Tri-Lakes Comprehensive Plan, Map 7.1, also appears to describe a “Visual Impact Area for Scenic Byway” corridor at the top (north) and bottom (south) of SH83 and further adds the descriptor “5 acre overall densities.” This likewise demonstrates that the developer’s application may not be in general conformance with the applicable Small Area Plan regarding density.
 - d. **Despite the developer’s buffering/mitigation remarks in his letter of intent, please note that, according to EPC property records, Cherry Creek Crossing contains a number of 5-acre parcels that border and buffer neighboring properties that are zoned with lower density; that 5 out of 7 parcels in the Dancing Wolf Estates remain 5 acres or larger; and that Rollin Ridge Estates is surrounded immediately on its west and south borders with lots that are all 5 acres or larger.**
 - e. Finally, for those in the D38 School district, apparently the community recently reminded us at the ballot box that they are not willing to fund increased student populations in excess of reasonable growth. Rezoning to higher densities may well result in less desirable school outcomes for this area.
5. **According to the EPC Land Development Code, Section 7.2.1., D (2) (e), Criteria for Approval: “In approving a preliminary plan, the BoCC shall find that: ... All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)]”**
- a. **In this vein (because of the nature of fuel spills to contaminate soils and seep into aquifers), we would point out that the Colorado Department of Natural Resources, Division of Water Resources, Rules and Regulations for Water Well Construction (2 CCR 402-2) Rule 10, Minimum Construction Standards for Water Wells, 10.2.2., states: “Wells shall not be located closer than one hundred (100) feet horizontally to the nearest existing source of contaminants or fifty (50) feet from a septic tank, sewer line or other vessel containing contaminants. A request for variance must be submitted and written approval from the Board must be obtained prior to the construction of a well that cannot meet this spacing requirement.” One can see on the PUD Development Plan, Page 5, that the well proposed for Building A is clearly less than 100 feet from contaminant sources – pumps (and probably underground storage tanks) – of the gas station.**
6. We again reiterate NEPCO’s final comments:
- a. NEPCO believes that the highest and best use for this land is residential (with a commercial node at the intersection of SH83 and Hodgen); however, density

will continue to be a big concern as well as whether the commercial uses at this node are specifically geared toward the needs of local residents.

- b. Thank you for the opportunity afforded NEPCO to engage in this process to work with El Paso County to ensure we have planned, responsible growth.
- c. Conclusion: NEPCO does not have any specific concerns about this development other than those stated above.

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Paul E. Pirog
Vice Chairman
NEPCO Transportation and Land Use Committee

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Greg Lynd
President, NEPCO