

The Retreat @ TimberRidge

Letter of Intent

April 2017

(1st Revision June 2017; 2nd Revision November 2017; 3rd Revision January 2018)

Owners/Developers: Arroya Investments LLC Jacob Decoto
1283 Kelly Johnson Blvd. 23045 Jones Road
Colorado Springs, CO 80920 Calhan, CO 80808

Robert Scott General Contractors
2760 Brogans Bluff
Colorado Springs, CO 80919

Planner: N.E.S. Inc.
619 North Cascade, Suite 200
Colorado Springs, CO 80903
(719) 471-0073

Engineer: Classic Consulting Engineers & Surveyors
619 North Cascade
Colorado Springs, CO 80919
(719) 785-0790

Tax ID Numbers: 5222000023; 5227000001 ;5200000398; 5228000019; 5227000003;
5227000004; 5200000393; 5200000394; 5200000397

SITE LOCATION: The Retreat @ TimberRidge is located primarily on the east side of Vollmer Road, generally between Poco Road on the south and Arroya Lane on the north with some open space and low density land north of Arroya Lane. The Sterling Ranch bounds the site on the south and east. Portions of this application extend north of Arroya Lane as shown on the site location map below.

PROPOSAL: The applications covered by this Letter of Intent include a zone change for 263 acres from the RR 5 Zone to the PUD Zone and a PUD Development Plan. The PUD Development Plan proposes 212 lots at a gross density of 0.806 DU/AC.

THE PLAN: The Retreat @ TimberRidge is proposed as a planned residential community focused on the Sand Creek Greenway which bisects the property. Open space, parkland and trails are the centerpiece of the property. The Retreat @ TimberRidge also forms the transition between urban density development to the south and east, to rural residential development to the north and west, and within the project.

Access to the site will be from two locations on Vollmer Road: at Poco Lane and at Arroya Lane. Arroya Lane is a Public Street for the western portion after which it is on private property owned by the applicant to the applicant's eastern boundary and by others further to the west.. Arroya Lane will be dedicated as a Public Street within the Retreat@ TimberRidge property. East of TimberRidge Arroya will continue to be a private road until/unless additional dedication is made by the Sterling Ranch.

Access to the site is planned at Arroya Lane in three locations. In several locations connections to the Sterling Ranch on the east and south are provided as good subdivision design dictates. The primary and initial subdivision access will be from Poco Lane extended into the property. Arroya Lane is the second access to the site and is planned as a collector.

Residential land use is proposed in varying densities. North of Arroya Lane and east of Vollmer Road, ten lots of 2.5 acres and 5 acres are proposed. The land immediately south of Arroya Lane and west of Sand Creek will have a minimum lot size of 2.5 acres. The land west of Vollmer and south of Arroya Lane will have two lots of approximately 3.5 acres in size served by a common drive from Vollmer (Deviation approved). This property is owned by Jacob Decoto. The remainder of the Decoto property within the PUD is contained in Tract A and identified as having future development potential at a 5-acre lot density with a 2.5-acre lot size minimum, which will produce a maximum of 7 lots. These lots will all be on individual well and septic systems (IDS).

South of Arroya Lane and east of Sand Creek, all lots less than 2.5 acres in size will be served by central water and wastewater systems provided by the proposed TimberRidge Metropolitan District via an IGA with the Sterling Ranch Metropolitan District. Lots immediately south of and adjacent to Arroya Lane have a lot size 2.5 acres. These lots create a transition within the property from rural residential to urban densities farther south. South of these transitional lots urban density lots are proposed with lot size decreasing from south to north.

A total of 212 lots are proposed for the Timber Ridge PUD. The table below identifies the number of lots by size.

Lots Size (Minimum)	Phase A	Phase B	Phase C	Phase D	Phase E	Total Lot Count
2.5 Acre Lots	12	29			7	48
1 Acre Lots			11			11
100' x 150'			8			8
80' x 150'				145		145
						212

Trails are a major component of this plan. A County Regional Trail is planned along the west side of Sand Creek. An east/west County Regional Trail will be located on the south side of Arroya Lane. These County trails will be constructed and maintained by El Paso County Parks after dedication of an easement for them to the County per discussion with County Parks staff.

Open space within the PUD Plan includes the Sand Creek Greenway. All open space and park areas will be owned and maintained by the proposed Retreat @ Timber Ridge Metropolitan District. The proposed major trails will be placed in easements and will be maintained by El Paso County.

PUD ZONE DISTRICT: The PUD Zone has been selected to implement The Retreat @ TimberRidge Land Use Plan. The PUD Zone will be employed to create a Zone District with varying residential densities in both an urban and rural residential form. Open space is also a part of the PUD Zone District.

USES/DEVELOPMENT REGULATIONS: Lots in this PUD District will provide sites for single family homes on rural residential and urban lots. Central water and wastewater will be provided for all urban lots. For lots 2.5 acres and greater, water will be provided by individual wells and wastewater will be provided by individual disposal systems.

Zoning details are shown on the PUD Development Plan.

BUFFERS and TRANSITIONS: The relationship to adjacent properties and the transition from nearby rural residential to urban land use has been addressed in three ways. First, Arroya Investments LLC has sold portions of its original holdings to the north and the northwest of Arroya Lane for rural residential land use thereby creating the transition from urban to rural residential land use essentially on site. The result of these sales is that five 35 acre parcels and two 50+ acre parcels border the site on the north. These land owners support the proposed land use.

Second, land north of Arroya Lane owned by Robert Scott General Contractors is proposed for inclusion into the PUD zone as a rural residential subdivision of five acre and two and one half acre lots (10 lots). These land uses formalize the transition from urban land use to rural residential land use on site and within the PUD.

Third, land within the proposed PUD that borders Vollmer Road and located west of Sand Creek will have a minimum lot size of 2.5 acres. This land use, along with Vollmer Road, creates a transition to larger lots west of Vollmer Road. Lots backing to Vollmer Road that are not predominantly vegetated with Ponderosa Pines will have a setback from Vollmer Road of 100 feet.

Lots in the southeast portion of TimberRidge that border the Sterling Ranch property have a setback of 40 feet as noted on the PUD Plan. Although the land along east and south boundaries abut land currently zoned RR-5, this land is planned for urban development as evidenced by existing water infrastructure and an approved Sterling Ranch Sketch Plan. In addition, the owner of Sterling Ranch supports this proposal as stated in a letter to that effect. The letter also accepts the location of proposed streets in The Retreat @TimberRidge that stub to Sterling Ranch.

JUSTIFICATION:

Conformance with the El Paso County Policy Plan

The Retreat @ TimberRidge conforms to the following goals and Policies of the El Paso County Policy Plan.

PURPOSE AND INTENT. Holistic Application.

The applicable policies in this document should be considered and applied comprehensively rather than singularly. Most development proposals will naturally be consistent with some policies while inconsistent with others. The appropriate approach is to evaluate all of the relevant policies and then make a land use decision with respect to overall consistency based on a preponderance of policies within this Policy Plan.

Policy 2.1.10 Encourage preservation of open space in subdivisions. ***Open space is preserved in the Sand Creek Greenway.***

Policy 2.1.11 Encourage approaches to natural system preservation and protection which also accommodate reasonable development opportunities. ***The Sand Creek drainage has been preserved and planned as an amenity to this project.***

Policy 2.2.10 Encourage the preservation of open space in the design of subdivisions. **Open space is preserved in the Sand Creek Greenway.**

Policy 2.3.1 Preserve significant natural landscapes and features. **The Sand Creek drainage is the most important natural feature on this property. It is being preserved.**

Policy 2.3.7 Encourage the mitigation of visual impacts caused by construction including road cuts, utility lines, outside storage, water tanks and building scale. **Visual impacts are being mitigated by preservation of existing Ponderosa pines along Vollmer Road.**

Policy 2.3.8 Encourage incorporating significant natural landscapes and waterways into parks and open space where feasible. **This policy is being met by preservation of the Sand Creek Greenway.**

Goal 6.3 Continue to support existing and carefully planned future urban density development in the unincorporated County, provided the requisite level of urban services is available or will be available in a timely fashion. **Urban services will be available to serve the urban land use portion of this project in conjunction with lot development.**

Policy 6.1.6 Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently. **Urban services will be available to serve the urban land use portion of this project.**

Policy 6.1.8 Encourage incorporating buffers or transitions between areas of varying use or density where possible. **Transitions occur on the property both along Vollmer Road and Arroya Lane. Transitions are accomplished by providing 2.5 acre lots along Vollmer Road and along Arroya Lane. Transitions from rural residential land use to urban land use occur on site.**

Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses. **The land plan promotes this policy.**

Policy 6.1.3 Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. **This plan is integrated with the adjacent Sterling Ranch which is contiguous on the east and south. Stub streets insure connectivity between the two projects.**

Policy 6.1.14 Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County. **See conformance with the Black Forest Preservation Plan discussed below.**

Policy 6.2.2 Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel. ***The focal point of this project will be the Sand Creek Greenway which includes the County Sand Creek Regional Trail.***

Policy 6.2.3 Encourage land use planning and design approaches which create or reinforce the neighborhood concept. . ***The Retreat @ Timber Ridge has been planned to have an internal focus to the Sand Creek Greenway.***

Policy 6.2.4 Encourage the use of innovative techniques to mitigate negative impacts of proposed land uses that differ from zoning in established neighborhoods. ***Transitions on site along Vollmer Road accomplish this.***

Policy 6.2.5 Encourage the development of unique and diverse neighborhoods within unincorporated areas. ***The Retreat @ Timber Ridge has been planned to have an internal focus to the Sand Creek Greenway.***

Policy 6.2.7 Utilize the PUD (Planned Unit Development) zone district approach to allow for the accommodation of neighborhood-oriented design features. ***The PUD Zone has been employed to this end.***

Policy 6.2.10 Utilize buffer zones to promote mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities. ***Transitions on site along Vollmer Road accomplish this. A 40 foot building setback has been provided on urban lots along the east boundary of this plan. Although zoned RR-5, the land to the east is planned for urban development as evidenced by existing central water facilities and an approved Sterling Ranch Sketch Plan.***

Policy 8.2.1 Encourage implementation of the County's Parks, Trails and Open Space Master Plan. ***The County Park Plan includes a Regional Trail along Sand Creek. This plan implements the trail though this section of the Sand Creek drainage. In addition an east/west County Regional Trail is provided along Arroya Lane as shown on the County Trails Plan.***

Policy 8.3.1 Encourage development plans which appropriately incorporate parks, trails and open space into their design. ***Parks, trails and open space are incorporated into the design of The Retreat @ TimberRidge. See calculation of open space below.***

Policy 8.3.5 Ensure that publically dedicated open space is of sufficient overall quality that it adds value to the larger community. ***Applicant has met with County Park Staff regarding parkland. Only trail dedication has been requested.***

Policy 8.4.3 Support the formation of new special districts to address the planning, development and maintenance of community parks, neighborhood parks, recreational facilities, local trails and community centers. ***Open Space and parks within The Retreat @ TimberRidge will be maintained by a Metropolitan District.***

Policy 9.2.3 Strictly limit direct access onto major transportation corridors in order to preserve their functional capacity. ***Access to Vollmer Road meets the access criteria for this road classification.***

Policy 9.4.5 Encourage processes by which development can contribute a reasonable and fair share toward off-site transportation improvements. ***This project will pay its fair share of transportation costs through the Countywide Transportation Fee Program.***

Policy 10.2.3 Promote cooperative ventures such as water authorities which maximize water supply options and economies through the pooling of resources. ***This policy is met by the proposed IGA between Sterling Ranch Metropolitan District and the proposed TimberRidge Metropolitan District.***

Policy 10.2.4 Encourage the linking of systems among water providers in order to provide the highest assurance of available service. ***This policy is met by the proposed IGA between Sterling Ranch Metropolitan District and the proposed TimberRidge Metropolitan District.***

Policy 11.1.2 Encourage an approach based on the entire watershed, to flood protection which incorporates a combination of on-site, sub-regional and regional retention and detention facilities to effectively reduce negative downstream impacts including erosion, flooding, channel and water quality degradation. ***This property has significant off-site flows tributary to the Sand Creek Reach SC-9 that exists through the site. The intent is to provide improvements to this Reach for this off-site flow as needed to stabilize and control erosion and sediment transfer within the current 100 yr. floodplain limits. All on-site developed flows will be routed across a landscaped area or directly to proposed detention/SWQ facilities, treated and then released into Sand Creek. With the construction of these facilities, the pre-development flows within this Reach of Sand Creek will not be significantly altered, thus minimizing any downstream impacts.***

Policy 11.1.14 Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site. ***See response to 11.1.2 above.***

Policy 11.3.1 Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions. ***Portions of the development are not proposed for significant lot grading but just construction of the roadways.***

Policy 11.3.3 Fully evaluate the relative impact of proposed drainage improvements on the maintenance of water quality. **All developed flows will be routed across a landscaped area or directly to proposed detention/SWQ facilities to be treated prior to release downstream. All proposed 2.5 acre lots or larger do not require WQCV per ECM 1.7.1.B**

Policy 11.3.4 Promote the effective use of innovative short and long term strategies including sediment ponds, buffer strips, and constructed wetlands as a means of reducing peak flows and improving storm water quality. **See response to 11.3.3 above.**

Policy 11.3.5 Protect the integrity of wetlands, riparian areas and associated wildlife habitat through a combination of careful land development and drainage system design. **See response to 11.1.2 above. Disturbances will be limited to areas where required for creek improvements per the DBPS.**

lots, roads, and

Policy 11.3.6 Encourage the effective use of control measures to mitigate the short and long term erosion impacts of development. **See response to 11.1.2 above.**

Policy 11.4.1 Strongly discourage land use development from locating in floodplains. **All development will be outside of the Sand Creek floodplain.**

Policy 11.4.8 Encourage “prudent line” approaches which adequately set structures back from floodplain boundaries, especially in areas which may be prone to bank erosion. **See response to 11.4.1 above.**

Policy 12.1.3 Approve new urban and rural residential development only if structural fire protection is available. **Fire protection is available from the Black Forest Fire Protection District.**

Goal 14.1 Recognize and promote the essential role of special financing districts in the provision and maintenance of public facilities and services in unincorporated areas. **A Metropolitan District is planned to accomplish this goal.**

Policy 15.3.3 Encourage innovative approaches to the problem of financing solutions to the off-site fiscal impacts of development. **This project will be required to participate in the El Paso County Road Impact Fee Program. The decision to join one of the two fee program PID districts or to exercise the opt-out (of the PID) option will be provided at the Final Plat stage. The fee required up-front with each subdivision will be payable at the time of building permit.**

Policy 15.5.2 Continue to support and facilitate public involvement in the planning and land development processes through effective and timely notice to potentially impacted property owners and representative community groups. **A pre-application neighborhood meeting was**

held on March 21, 2017 with adjacent property owners and the Black Forest Land Use Committee. A post application meeting was held on July 26, 2017. A third informational meeting was held on January 16, 2018 to present the amended plan.

Policy 15.5.3 Encourage pre-application information meetings between applicant, affected property owners and homeowners groups prior to submission to the County for large properties and/or properties in sensitive locations. . ***A pre-application neighborhood meeting was held on March 21, 2017 with adjacent property owners and the Black Forest Land Use Committee. A post application meeting was held on July 26, 2017.***

Conformance with the Black Forest Preservation Plan

The Black Forest Preservation Plan is a Small Area Plan that includes The Retreat @ TimberRidge within its boundaries. The Plan was originally approved in 1974 and updated in 1987. In the past 30 years since the update to the Plan, a number of significant changes occurred. Those changes include:

- Voter approval of a County tax to fund County Sheriff activities
- The Black Forest Fire, which has raised awareness of fire safety and prevention, as well as mitigation of the effects of the fire
- Adoption of the Countywide Transportation fee
- Addition to the Code of a comprehensive PUD Zone that provides a control mechanism for insuring that land dedications and density caps can be administered effectively.
- Failure of an election to incorporate the Black Forest with a stated purpose of administering the Black Forest Preservation Plan
- Pressures on County resources coupled with a commitment by County Elected Officials to make county government as efficient as possible have made clustered development a desirable design form that reduces the amount of street per dwelling unit, thereby making the provision of County services more efficient than standard rural residential designs especially five acre lots.
- Approval of the Sterling Ranch Sketch Plan
- Construction of the Cherokee Water System with pipeline in Arroya Lane and construction of the Sterling Ranch well and water tank adjacent to eth NE corner of the proposed urban density lots. The effect of these infrastructure improvements is to provide urban water service to The Retreat @TimberRidge property.

When viewed in the context of these changes, and while looking at the broad recommendations of the Black Forest Preservation Plan, this land situated north of Stapleton/Briargate and south of the forested area of the Black Forest is where a transition from urban to rural residential land use is proposed. This PUD Development Plan provides the

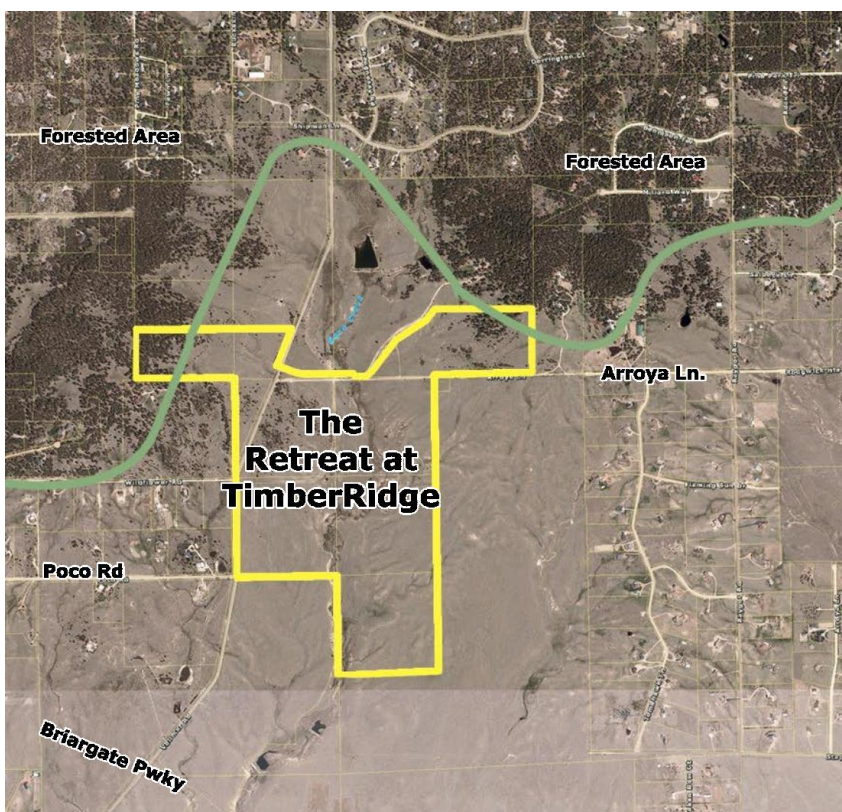
transition be creating rural residential lots along Vollmer Road and Arroya Lane, transitioning to urban lots interior to the property and adjacent to planned urban density within the Sterling Ranch Sketch Plan.

As stated in the Introduction to the Plan, "...The consistency or inconsistency of an application with a single policy or recommendation should be of less importance than its relationship to the overall spirit and intent of the elements when taken together." The following Goals and Policies of the Black Forest Preservation Plan are implemented with this request:

- Policy 1.5. Preserve open space as a means of retaining natural features and the separate identity of the Black Forest Planning Area. ***Open Spaces is provided in the Plan by the Sand Creek Greenway and by trails.***
- Action 1.c. All land use items concerning the Black Forest Planning Area should be forwarded to the Black Forest Land Use Committee or other appropriate citizens group for review and comment prior to public hearing. ***Applicants have met with the Black Forest Land Use Committee in the pre-application stage and after submittal.***
- Action 1.d. Applicants for subdivisions, zone changes, special use approvals, and variances should address consistency with the Black Forest Preservation Plan as a part of their submittals. ***This Letter of Intent addresses conformity with the Black Forest Preservation Plan.***
- Policy 2.3. Support clustered development alternatives which result in the creation of permanently dedicated and maintained open space. ***Parkland will be owned and maintained by a Metropolitan District. Clustering is proposed with the Sand Creek Greenway and other drainage features as focal points of residential land use.***
- Goal 3.A. Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area. ***Rural Residential lots and open space are the land use transitions from urban to rural residential land use on the north and west of this PUD.***
- Policy 3.5. Generally support residential development which compliments and enhances the area's terrain, vegetation and natural resources. ***The proposed land use plan is consistent with this policy. The primary natural resource is the Sand Creek Greenway which is preserved by this plan and made the focus of the development.***
- Action 3.i. Developers who propose projects which involve land to be held in common ownership should address the degree to which their proposed means of maintenance will ensure that the land remains in open space in relative perpetuity. ***As proposed, open space land will be owned and maintained by a Metropolitan District.***
- Goal 6.1. Design the transportation system so that disruption of sensitive environmental features, agricultural operations, and existing or platted residential areas

is minimized. **The proposed transportation system accomplishes this goal. Crossings of Sand Creek are minimized while providing a safe transportation system.**

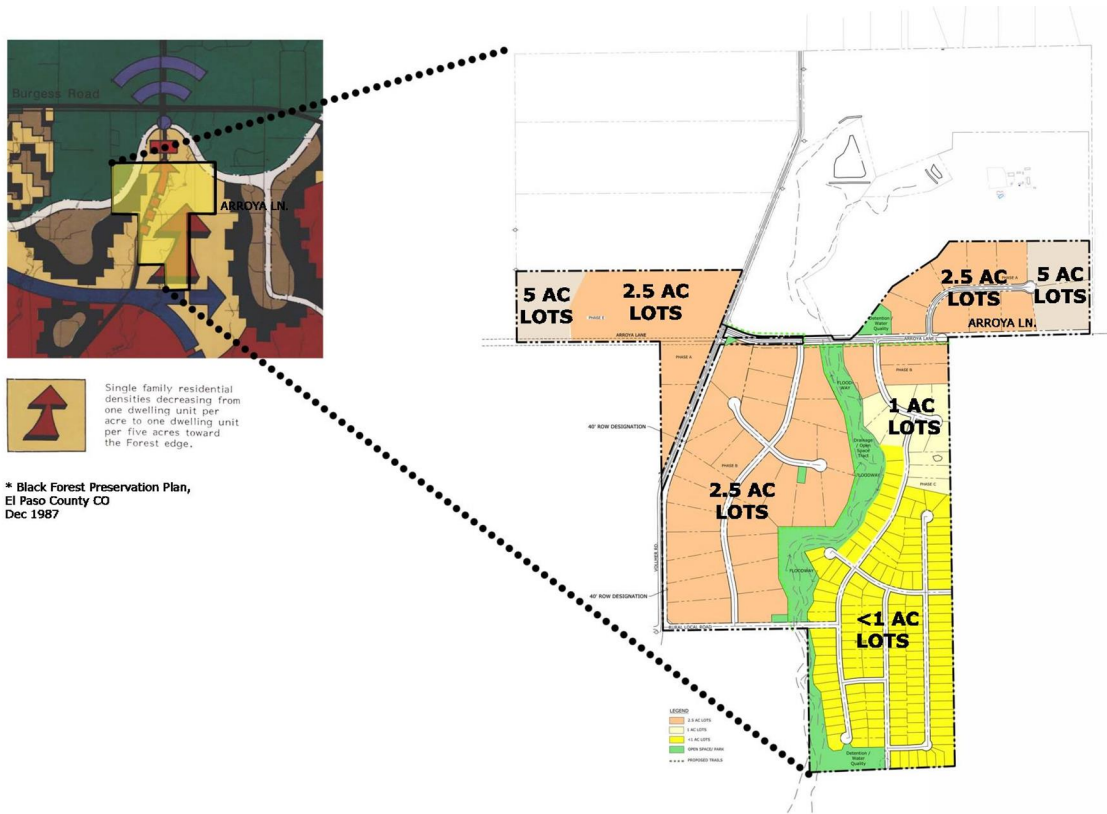
- Policy 6.2. Discourage unnecessary traffic through the forested and low density residential areas by providing alternative alignments and, where appropriate, incorporating designs which limit through traffic. **Access points to arterial roads (Vollmer) have been minimized while providing a safe and efficient network.**
- Action 7.c. Copies of all relevant land use petitions should be transmitted to the Black Forest Land Use Committee or other appropriate group for review and comment. It is suggested that proposals be informally presented by the applicant to planning area residents prior to formal submittal. Consistency with appropriate Master Plan elements should be specifically addressed at this time. **Prior to application, a meeting with the Black Forest Land Use Committee was held on March 21, 2017.**
- Policy 8.2. Protect and maintain the area's drainage courses in their natural condition by promoting designs and densities that are sensitive to natural drainage patterns. **The Drainage Plan prepared by CCES addresses this policy. Sand Creek is preserved as a greenway.**
- Policy 9.4. Encourage cooperation between the County, other governmental entities, the development community and area school districts to reserve adequate and appropriate school sites in a timely manner. **Land in The Retreat @ TimberRidge is within two school districts. SD #49 and SD #20. A general discussion with SD #20 has indicated that no school site is required.**
- Policy 9.6. Support the provision and enhancement of both useable and perpetual open space **County regional trails along Sand Creek and along Arroya Lane are a part of the Plan.**



The primary issue to be resolved with this application is the location of the interface between urban density and rural residential land use. This application proposes that the interface be south of Arroya Lane which is the boundary at which water and wastewater services can be provided. This boundary is south of the

forested area of Black Forest.

The map component of the Black Forest Preservation Plan depicts The Retreat @ TimberRidge within subarea 10, the Southern Transitional Area as shown on the diagram below.



The plan for The Retreat @ TimberRidge clearly defines the transition from urban land use to rural residential land use and proposes that this transition occur within this PUD application. The intent of the Black Forest Preservation Plan to transition land use within the area south of the forested area of the Black Forest is met by this application. Land use intensity transitions from south to north with Arroya lane becoming the approximate boundary between where urban services, most notably water and wastewater, can be provided. The land north of Arroya Lane within the PUD is designated as rural residential and open space land uses. The overall density of the PUD is 0.806 units per acre.

There are several textural comments for the Southern Transitional Area of the Black Forest Preservation Plan which support this application. Applicable statements include:

- Any new urban development should be compatible with existing rural residential subdivisions. ***Existing rural residential land use exists on the north and west. The Retreat @TimberRidge has provided transitions to these subdivisions.***
- Overall densities should decrease to one dwelling unit per five acres at the Timbered Area edge. ***A density of one unit per five acres within The Retreat @TimberRidge is achieved where the Timber Area edge exists within the project.***
- Urban density should only be approved if adequate urban services are available. ***Urban services will be available to this development in conjunction with the Final Plats. Water is currently available adjacent to the property. Wastewater will be extended to the property from the south by the developer.***

PUD REVIEW CRITERIA. The proposed PUD zoning is in conformance with the following review criteria:

1. The proposed PUD District zoning advances the stated purposes set forth in Section 4.2.6.A.
2. The PUD is in general conformity with the El Paso County Master Plan. ***See section above that identifies how this plan conforms to the El Paso County Master Plan.***
3. There has been a substantial change in the character of the area since the land was last zoned. ***See introductory discussion above that lists changes to the area since the adoption of the Black Forest Preservation Plan (and current zoning). In addition, approval of the Sterling Ranch Sketch Plan and construction of a water system adjacent to the property has occurred.***
4. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County. ***This criterion is met. All County Code requirements are met with this application.***
5. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area. ***The planned land use is based on a Land Suitability Analysis to assess the development constraints and opportunities of the site.***
6. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site. ***Buffering and transitional land uses have been proposed where there is a potential for use to use relationship concerns.***
7. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community. ***This criterion is met. Land Use transitions***

are used to provide compatibility with adjacent properties. Dimensional requirements of the PUD are designed to be compatible with rural residential zones.

8. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project. ***The land use plan reflects the Land Suitability Analysis where the natural and man-made land use determinants were inventoried and analyzed.***
9. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities. ***This is a recreation focused community. Recreational amenities, including trails and the Sand Creek Greenway, are a significant part of the Plan.***
10. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed. ***Public services consistent with the proposed development are being provided.***
11. The proposed PUD will benefit the community through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design. ***All of these are features of the Plan.***
12. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner ***Entech Engineering, Inc. has evaluated the site for the presence of commercially viable mineral deposits and has found that such deposits are either absent or are not commercially viable.***
13. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide. The following Deviations are requested. Deviation request forms are a part of the application package.

Two deviations/PUD Modifications are requested:

Three?

1. ***A deviation to permit an access drive for two lots on the west side of Vollmer Road where access spacing is less than 660 feet.***
2. ***A deviation to permit access to Arroya Lane for the 10 lots north of Arroya Lane onto Nature Refuge Road at a distance less than 660 feet from the proposed access roads on the south side of Arroya Lane.***
3. ***A deviation to permit a shared temporary driveway access on the west side of Vollmer Road that does not meet the quarter mile spacing requirement.***

Justification for these deviations is included in the submittal package within the Traffic Report. Both deviations have been approved with conditions.

PUD Modification: Calculation of Open Space. The TimberRidge PUD has 22.53 acres of open space within the Sand Creek Greenway. In addition, 1.16 acres of open space is within three tracts along

Arroya Lane. 10% of the requirement is permitted to be in drainage tracts or 2.6 acres. There are 4.05 acres of open space in water quality tracts. The total amount of open space is therefore 26.3 acres or 10% of the entire PUD. (22.53 + 1.16 + 2.6 = 26.3 acres of open space)

DRAINAGE: Classic Consulting Engineers & Surveyors has prepared a MDDP for the property.

IMPACT REPORTS:

- Wildfire. Of the land proposed for development, only a small portion of the site affecting one proposed lot in the very north east is rated above Low in terms of susceptibility to wildfire in the report prepared by Steve Spaulding and included in the submittal package.
- Wetlands. Wetland delineation by CORE Consultants is included in their Impact Report for the property. This data has been included in the Land Suitability Analysis for the site.
- Fire. Black Forest Fire and Rescue has provided a Fire Impact Report and a letter of commitment to provide fire and ambulance services.
- A Land Suitability Analysis has been prepared by N.E.S. Inc. This analysis summarizes site impacts.

TRAFFIC: A Traffic Impact Analysis has been prepared by LSC Transportation Consultants, Inc. and is included in this submittal as a separate document.

MINERAL DEPOSITS: Entech Engineering, Inc. has evaluated the site for the presence of commercially viable mineral deposits and has found that such deposits are either absent or are not commercially viable.

JURISDICTIONAL IMPACTS

Districts Serving the Property

- Natural Gas – Black Hills Energy. Will Serve Letter included in application
- Electricity – Mountain View Electric. Will Serve Letter included in application.
- Water – Proposed TimberRidge Metropolitan District via an IGA with the Sterling Ranch Metropolitan District
- Wastewater - Proposed TimberRidge Metropolitan District via an IGA with the Sterling Ranch Metropolitan District
- Fire Protection – Black Forest Fire Protection District
- Schools – Falcon District #49; Academy School District No. 20
- El Paso County Conservation District

Reports Included by Reference

- Soil, Geology and Geologic Hazard Study for The Retreat @ TimberRidge by Entech Engineering, Inc.
- The Retreat at TimberRidge Traffic Impact Analysis by LSC Transportation Consultants, Inc.
- MDDP for the Retreat @ TimberRidge by Classic Consulting Engineers & Surveyors.
- Wildfire Hazard and Mitigation Report by Steve Spaulding
- Impact Identification Report by CORE Consultants