

February 15, 2018

Kari Parsons
El Paso County Planning and Community Development Department

Subject: TimberRidge Planned Unit Development (PUD-17-003) **Review 5.5**

Dear Ms. Parsons:

This letter responds to your letter dated February 12, 2018 regarding the subject project. Responses to comments are shown in **RED** below the comment.

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

General Comments- **Review 4 (a re-design)**

1. *The 2 deviation requests as identified in the LOI have been approved with conditions. Please see the uploaded deviations in EDARP (public view). Conditions of approval will be added to the staff report. **Please remove language referring to access for Vollmer Road with this PUD request. This will need to be analyzed with the preliminary plan for this area. Noted. Revised.***
2. **2-11 Addressed**
12. *Further Geology constraints and concerns will be addressed at the preliminary plan in detail. Lot area, buildable area and no build areas may change with further evaluation at the preliminary plan stage. **Noted***
13. *Reminder* Notice to Mineral Right Holders shall be sent out prior to PC hearing. **Noted. Will be sent when hearing date is confirmed.***

Letter of Intent

1. Resolved
2. Resolved
3. Resolved
4. Resolved
5. Resolved in staff report
6. **Review 5.5 LOI -Please see uploaded red lines of LOI from engineering. LOI revised**
7. **See staff report Reviewed and changes made**

PUD Plan

Review 5.5 -See uploaded red lines of PUD plan. Reviewed and changes made

Engineering Division

See uploaded comments and red lines for the PUD and LOI Reviewed and changes made

The comments include unresolved previous comments and new comments resulting from the re-submittal in **bold italic**. All previous comments that have been resolved have been noted or deleted. A written response to all comments is required for review of the re-submittal.

PUD DP / General

1. Ensure that all street centerline radii, intersection spacing, roundabout size, required tangent lengths, etc. meet criteria. Without dimension labels these cannot be verified. Approval of the PUD development plan does not imply approval of any substandard design features that have not been specifically addressed.
 - a. Resolved
 - b. Resolved
 - c. ~~Individual lot access onto Vollmer Road requires a deviation (access to an arterial road). Proposed lots R-11 and R-12 should obtain access at Arroyo Lane. The deviation request has been received but needs clarification. Describe the specific drainage and topographical features that preclude access from another point along Wildflower Road or the extension of Arroyo Lane to the west. **Partially resolved; the deviation request needs to be revised to state that the shared access will be temporary until the time that the subject parcel develops, at which time access to these two lots will be taken from the north (or some other location). If this revision is not made, the deviation is not supportable.**~~
 - d. Cul-de-sac design needs to meet ECM Section 2.3.8. Snow storage areas/easements need to be provided for cul-de-sacs and roads adjacent to or within adjacent property. Partially resolved; response references a letter from the adjoining property owner stating that easements will be provided. This will be further addressed at the Preliminary Plan and Final Plat stages.
 - e. **Add required dimensions to the revised areas. Dimensions added.**
2. Include existing easement purposes in labels or notes. Show all easements listed in the title work. **Partially resolved; label the easement purposes/uses. Unresolved. Labels added to easements.**
3. Resolved
4. Regarding the alignment of Vollmer Road intersections:
 - a. **Resolved**
 - b. The Decoto project has submitted an Early Assistance application that is not consistent with the TimberRidge PUD; **Note:** coordination is necessary.
5. Note: easements to other entities that overlap with future public road rights-of-way will need to be vacated/terminated at the time of platting of the rights-of-way. Documentation of separate vacation/termination documents will need to be provided showing no encumbrances on proposed rights-of-way at that time.
6. **Resolved**

Transportation / Traffic Impact Study

Resolved

MDDP / Drainage Plans

Sign and stamp and upload for approval. Documents will be uploaded, signed and stamped.

EL PASO COUNTY PARKS

ENVIRONMENTAL

The El Paso County Environmental Division has completed its review of the Retreat at Timber Ridge PUD. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

1. .Potentially jurisdictional aquatic features have been identified on the site and the U.S. Army Corps of Engineers (USCOE) letter dated July 20, 2017 indicates that a permit may be required for the project. The project proponent has indicated that the USACOE permit will be addressed at the platting stage of the development which is acceptable. A completed permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.
2. The letter dated May 15, 2017 from the U.S. Fish and Wildlife Service (USFWS) indicates that it is unlikely the project will result in the take of listed species but that it may have minor adverse impacts to listed species that may occur in or near the project area. The USFWS provides a series of conservation recommendations which we strongly recommend be incorporated/followed during the pre-construction, implementation and post-construction phases of the project. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species and migratory birds, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act and the Migratory Bird Treaty Act.
3. The letter dated May 4, 2017 from Colorado Parks and Wildlife provides numerous Best Management Practices (BMPs) and recommendations related to wildlife/natural areas on the property. We strongly recommend that these BMPs and recommendations be incorporated/followed during the pre-construction, implementation and post-construction phases of the project. Additionally, the project proponent has indicated that wildlife protection measures will be addressed through covenants.
4. The Noxious Weed Management Plan (Plan) dated July 7, 2017 provides a basic plan for addressing noxious weeds on the property. This Plan should also include more specific information regarding the species and infestation locations present on the property. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.
5. ***In the report dated December 5, 2017, Core Consultants provides several recommendations regarding addressing natural resources issue including***

performing raptor nest and breeding bird surveys prior to the start of construction, performing noxious weed surveys and treatments prior to undertaking ground disturbing activities, orienting drainage crossings to avoid impacts to riparian habitat and performing surveys for fox dens prior to ground disturbances. Following these recommendations is suggested in order to insure compliance with applicable laws and regulations. **Noted. To be addressed in subsequent applications.**

It is strongly recommended that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7845.

EL PASO COUNTY ATTORNEY'S OFFICE

Comment: Water review to follow discussions/implementation of special district-IGA and receipt of State Engineer review letter.

NORTHERN EPC COALITION OF COMMUNITY ORGANIZATION, INC.

Reference: The Retreat at Timber Ridge

NEPCO is providing the collective input from its membership that includes 8,600 homeowners, 41 HOAs and 18,000 registered voters within and around the Tri-Lakes area. 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 in northern El Paso County. 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.

NEPCO's comments related to densities in The Retreat at Timber Ridge

1. NEPCO has serious concerns about development of this size residing in "rural" El Paso County. Assuming a density of .806 homes per acre on 263 acres, and again assuming 4 persons per household, that yields a population of approximately 850. This development will reside just north of the Sterling Ranch Development that plans to have 5,500 residential units (4 members per household = 22,000 residents) as well as 56 ac of commercial space. The combination of these two developments will put incredible pressure on the infrastructure supporting this area including roads, water and sewer systems. The potential rezoning of these tracts of land will authorize a planned 212 homes according to the Letter of Intent (205 homes according to the Dec 4, 2017 letter

to Kari Parsons from NES and the Traffic Impact Study) versus 53 homes under the current RR-5 zoning, a four-fold increase.

a. The math in the Letter of Intent "Introduction" is confusing.

Initial acreage owned 514

Four 35 ac parcels sold -140

Additional two 50 ac parcels sold -100

Add back one 35 ac parcels 35 (Phase E)

Total 309 ac---not 263 ac

b. The Letter of Intent states that there are 263 ac in this application.

2. It is encouraging to see the Developer reducing the overall density for the development with the introduction of 2.5 ac lots in Phases B and E and additional 1 ac lots in Phase C. This represents a vastly improved transition from the RR-5 lots to the north and the urban densities to the south. Utilizing the Sand Creek Greenway/Open Space as a natural barrier between the distinctly different densities in the development is the optimal solution for the area.

NEPCO's comments related to water supplies in The Retreat at Timber Ridge

1. NEPCO is concerned about a new Metropolitan District, effectively an administrative agency/pass through organization proposing water from a rapidly declining source.

a. The Retreat at Timber Ridge Metro District plans to purchase water from the Sterling Ranch Metro District who purchases water from Woodman Hills Metro District which has 15 wells in the Denver Basin Aquifers and 2 wells in the Upper Black Squirrel Alluvial (shallow) Aquifer-i.e. no renewable sources.

<http://schoolerandassociates.com/wp-content/uploads/2016/12/SterlingRanch-MetroDist-Nos-1-3-2010-ServicePlan.pdf> (page 12). Metro Districts are a reality in rural developments, but they are inherently inefficient, and we are witnessing more of these "administrative" Districts that exist only as pass-through entities, adding a layer of administration but few additional services.

i. Under the El Paso County Policy Plan, 10.2.3 and 10.2.4, the goal is to maximize water supply options and economies through the pooling of resources and to encourage the linking of systems among water providers to provide the highest assurance of available service.

1. The intent of this Policy Plan is to encourage interconnectivity thereby providing backup capability in cases of emergencies, not routine operations.

ii. The Retreat at Timber Ridge development creates a whole new Metropolitan district to provide services and then states that these requirements are "met by the proposed IGA between Sterling Ranch Metropolitan District and the proposed Retreat at Timber Ridge Metropolitan District."

b. Woodman Hills Metro District has 7 existing Intergovernmental Agreements (IGAs) with other Districts. The Pikes Peak Regional Water Authority Area 3 Preliminary Engineering Report, publicly released this past summer, sounds the alarm about relying on non-renewable water sources and yet we have another pair of developments stating that there is sufficient water for 20,000 plus new residents depending on the underlying aquifers (though some of the water is pumped from wells considerably outside their service area along County Line Road).

- i. The Executive Summary of the **Area 3 Preliminary Engineering Report** states *“Area 3 is the northern project area, and its entities rely heavily on Denver Basin groundwater supplies. Due to declining well pressures, this study assumed that by the year 2035, Denver Basin wells in the area will only be able to economically pump 35% of their current production. And by 2050, Denver Basin water will no longer be economically feasible to pump.”* (page ES-1)
 - ii. Further it states; *“To supply the Area 3 participants with needed renewable water by the year 2050, the projected future demand of 8,592 acre-feet per year (AFY) minus the current renewable supplies of 209 AFY, equals a deficit of 8,383 AFY of water that needs to be acquired for Area 3.”* (page ES-1)
 - iii. The Area 3 Report is referring to the same diminishing, non-renewable water sources the Developer is requesting approval for in this development proposal.
 - iv. According to the Neighborhood Meeting Summary, the water provided by the water district(s) “will come from the deep aquifers: Arapahoe and Laramie-Fox Hills.” This represents thousands of new homes relying on a diminishing source of water that could become unaffordable within 15 years, let alone the 300-year requirement levied by El Paso County.
- b. Will there be a requirement that those homes in The Retreat at Timber Ridge that are not connected to the water district (large lots), mine their water from these same deeper aquifers? Or are they allowed to pull water from the Dawson or Denver aquifers?

Transportation/Access Concerns

1. The **Traffic Impact Study** has been improved over the previous iteration in that it now includes the additional traffic that will be generated by the Sterling Ranch Development, Phase 1 in the 2020 background traffic.
2. The proposed road system has inadequacies related to supporting the number of new residents.
 - a. **Arroya Lane** terminates in a dead end
 - b. **Aspen Valley Road** terminates in a dead-end

- c. **Elk Antler Lane** terminates in a dead-end
 - d. **Bison Valley Trail** terminates in a dead-end
 - e. The discussion about **Briargate Parkway** connecting Black Forest Road and Volmer Road is premature. Though the project is listed on the 2040 Major Transportation Corridor Plan (2040 MTCP) the project is not funded in the current **Pikes Peak Rural Transportation Authority A List Capital projects**, that means no funding for construction until after 2024. There will be funding for the **Stapleton Drive/Briargate Parkway Corridor Study** before 2024.
3. These roads rely on the Sterling Ranch development for connectivity-an event not under the control of this Developer. **Volmer Road** is the only route either into or out of this development.
 4. A critically important document in the Traffic Impact Study is **Table 3, Roadway Improvements, Retreat at Timber Ridge**. This is a future looking compilation of the requirements to adequately address traffic generated by this development and the Sterling Ranch development and stipulates what is needed, why it is needed, how it should be accomplished and who should pay for improvements.

NEPCO's general comments related to The Retreat at Timber Ridge

1. The planting of pines on the berms is a laudable idea to shield the residents from traffic along Volmer Road. Given the nature of pines in this area (they can be so small as to hide nothing and a sizeable number often die within a few years of planting), will there be a minimum height or girth of these pine trees and will they be replaced if they die before build-out?
 - a. The Landscaping Plan is silent on these issues.
2. Who will be maintaining the trails in this development? The **Cover Sheet Tract Table** states that for **Tract F**, there will a16.308 ac of Regional and Local trails. On page 3 of the **Letter of Intent**, it states that the proposed major trails will be constructed by the developer, placed in an easement, and maintained by El Paso County. Page 10 states much the same. According to the **Maintenance Agreement**,
 - a. *"El Paso County will own and maintain the multi-use trail easement, and will own and maintain the open space parks should dedication be accepted."*
 - b. *"A Metropolitan District will own and maintain the open space, drainage and water quality facilities, common areas, trails, landscape areas and buffer tracts."*
 - c. What is the distinction between "multi-use trail" and "trails" above?
3. A letter from owners of the neighboring 35-acre parcel while generally supportive references the addition of fire hydrants at least in the periphery of this development. However, the **Wildland Fire & Hazard Mitigation Plan** states that *"At present, there is no readily available water supply for ground suppression fire resources. The local fire protection districts will need to haul water into the site during a fire. The subdivision will be supplied with water by the Sterling Metropolitan District in the future."* We can find no references to, or guarantees of, future fire hydrants in other documents.
 - a. Excerpt from the **Wildland Fire & Hazard Mitigation Plan**:
"At the present time, the Black Forest Fire/Rescue Fire Protection District has the following resources:
 1 – Type 1 Engines: 500 gallons' total

4 – Type 3 Engines: 1,750 gallons' total
3 – Water Haulers - 6,000 gallons' total
There are two full-time staff members at Station 1 whose primary responsibility is medical emergencies. **The primary resource for fire suppression is volunteer firefighters and has a wide range of response time and availability.** [emphasis added]

- b. The fact that fire suppression is the primary responsibility of volunteers, means that any fire, wildland, grass or structure, will require a mutual aid assist from other fire districts even after fire hydrants are available in the development.
4. The **Detail Plans, Signs & Lighting** is deferred to Final Plat.
 - a. Will dark-sky compliant lighting be used/required in this development?

NEPCO's final comments:

1. NEPCO has concerns about large residential developments in unincorporated El Paso County. Especially developments that rely on non-renewable water sources. Urban densities and large developments, measured in thousands of people, should be supported by urban (renewable) water and sewer systems. When the water runs out the residents will be paying large sums to connect the Colorado Springs Utilities-no one likes that kind of surprise. The Developer will have no defense, they were warned before they turned the first shovel of dirt that the water would run out within a generation.
2. Further, if El Paso County is to say that it 'plans' for future development, then its 'plans' should have some specific limits. If for water the limit is 300-year supply, then a development 'plan' that clearly does not have a 300-year supply should be rejected outright. Voters don't want their existing homes left waterless-for the temporary benefit of people who don't even live here yet-after current County staff have retired. Voters/taxpayers want defensible, compliant decisions now.
3. High-density residential developments stress "rural" transportation infrastructure. The land was designated RR-5 as a reasonable density given the capabilities of rural Colorado land to support residential uses. Transitioning from 1 home per 5 ac to 1 home per .8 acres (thanks to some larger lots in Phase 1 that skew the ratio upward) is beyond what the land or the transportation infrastructure can support.

Thank you for the opportunity afforded NEPCO to engage in this process to work with the El Paso County to ensure we have planned, responsible growth.

Thomas M. Vierzba
Vice President,
Chairman,
NEPCO Transportation and Land Use Committee

Larry Oliver
NEPCO President, NEPCO

BLACK FOREST FIRE PROTECTION DISTRICT

Comment 4: Based on internal studies (using national and local data and trends), BFFRPD has concluded that the impact of this development will increase district call volume by 11.7%. The majority of the emergency calls generated by this development will be responded to by station #1 apparatus/vehicles. BFFRPD has urgent replacement needs for the fire engine, brush truck and ambulance at station #1. (We excluded the water tender from our calculation based on the fact that the development will utilize a water system). The total projected financial impact of the development for off setting the purchase of additional emergency response equipment is \$77,220 or \$164 per dwelling. Our most immediate need is the replacement of an ambulance (\$125,000), followed by an engine (\$450,000) and lastly a brush truck (\$100,000). We would like the opportunity to discuss and work with the developer to see if some assistance could e provided.

Respectfully,

Bryan J. Jack Fire Chief- BFFRPD

BLACK FOREST LAND USE COMMITTEE

The Black Forest Land Use Committee recommends approval of the PUD plan for the Retreat at Timber Ridge. The committee has one recommendation that we believe would enhance the aesthetics and beauty of the development. If the applicant permits horses on the lots, we recommend that horses not be allowed on the first seven lots along Vollmer Road beginning at Poco Road and going north. We further recommend that a 200 foot setback from the property line on Vollmer be established with no fences or buildings allowed in the setback. This area along Vollmer is a natural expanse of grass and horses would not only destroy the natural grass but the fences and buildings would break up this expanse. Leaving the area open would provide a vista of natural grass with the new, distinctive homes in the background. The homes in Highland Park along Black Forest Road provide a picture of how a larger setback enhances the beauty of developments like this.

FALCON FIRE PROTECTION DISTRICT

This project is not within the boundaries of the Falcon Fire Protection District. No comments provided.

PIKES PEAK REGIONAL BUILDING DEPARTMENT**Enumerations**

Regarding a request for approval of a development plan for Retreat at Timber Ridge, Enumerations has the following comments: 1. The street name shown on the development plan as Antelope Ravine Drive was approved as Antelope Ravine Avenue and the street shown as Aspen Valley Road was approved as Aspen Valley Parkway. Verify with Justin Annan at El Paso/Teller 911 (jannan@elpasoteller911.org) as to whether or not it makes a difference to him if the street suffixes are different than what was approved. 2. Provide a 100 Scale copy of the development plan to Enumerations for addressing. Indicate with (xxxx) the locations of all lots and tracts which will require addresses. It would also be extremely helpful to know what the extensions of Elk Antler Lane to the east and Bison Valley Trail to the south will look like in order to address these streets correctly. 3. Enumerations will have further comments as each phase is submitted for plat review. Floodplain has the following comments: 1. The floodplain area within this development is contained in tracts as required by Regional Building Code section RBC313.18.5. Contact Floodplain administrator Keith Curtis (keith@pprbd.org, 719-327-2898) with any questions or concerns regarding compliance with floodplain code. BRENT JOHNSON Enumerations Plans Examiner (719) 327-2888 www.pprbd.org

Floodplain

1. There is significant floodplain exposure in this development. Compliance with Regional Building Code section RBC313 is required. Contact Floodplain Administrator Keith Curtis (Keith@pprbd.org, 719-327-2898) with questions or concerns regarding compliance.

BRENT JOHNSON Enumerations Plans Examiner
719) 327-2888 www.pprbd.org
COLORADO PARKS AND WILDLIFE

Colorado Parks and Wildlife (CPW) has reviewed the plans for the retreat at Timber Ridge near on Vollmer Road and Poco Road. The area included within the Development boundaries will sustain numerous wildlife species including deer, elk, pronghorn, turkey, black bear, mountain lion, coyote, fox, raptors, songbirds, and numerous small mammals. CPW makes the following recommendations.

CPW recommends consultation with the Army Corps of Engineers to ensure compliance with the Clean Water Act due to the identification of possible jurisdictional wetlands on the site. CPW will comment on specific plans for wetland-related issues as part of that 404 permitting process but there are some general recommendations to be considered during the development of the wetland mitigation plan prepared as part of section 404 permitting.

We would request that all areas of disturbance and exposed soils above the ordinary high water mark be re-vegetated with a native seed mix. This will contribute to the replacement of lost riparian vegetation values and minimize establishment of noxious weeds. The placement of willow sprigs or bare root stock should also be considered along the banks, especially in those areas which have been disturbed. We recommend planting of vegetation along the bank to help reduce and control erosion and contribute to bank stability over the long term. The site should be monitored for a period of at least two growing seasons. Any stands of noxious weeds that become established should be controlled with appropriate mechanical and/or chemical methods suitable for the proposed location. CPW recommends using a clean fill material, if needed, that would be conducive to growing native vegetation that will help stabilize the banks. Non-native vegetation can overrun native vegetation and can become problematic. A seed mixture of native grasses is also recommended to provide a good support system in the soil.

CPW further recommends crossing riparian corridors and streams at a perpendicular angle, in order to reduce impacts to natural resources, as well as spanning the corridors with structures located outside the riparian and stream zone. CPW recommends avoiding treed areas of cottonwood and willow, as these areas provide bird and wildlife habitat. During construction, stream crossing by construction vehicles should be avoided. CPW requests that

any new service roads that are proposed for construction in conjunction with the project avoid crossing creeks or stream beds to avoid impacts to wildlife and habitat. If any new access or maintenance roads will be constructed that cross stream habitat, CPW would like to be consulted on best management practices and options for construction to minimize impacts. A construction design for any new or reconstructed riparian crossing that actively minimizes barriers to fish passage at all water levels and mitigates any existing barriers where possible would minimize the negative impact of the project on native fish species.

CPW recommends the following Best Management Practices when working in or near aquatic habitats.

- Drainages should be crossed perpendicular to the flow of the stream
- Use existing road crossings and existing stream crossings for vehicles and other construction equipment instead of building new roads and stream crossings
- The width of construction should be minimized within the 100-year floodplain,
- Stream bank, wetland restoration/improvement should be performed, where necessary
- Vehicle and equipment crossing of creeks/streams should be made in locations that will cause the least erosion of banks and sedimentation.

As for more general construction protocols, CPW recommends low speeds for construction vehicles to avoid wildlife collisions. Where new roads are required, CPW recommends that these single-purpose roads are gated to reduce traffic disruptions to wildlife. If any temporary (e.g., construction) or permanent fencing is proposed, CPW recommends that it is the wildlife-friendly fencing that allows young to cross, and does not include high-tensile hogwire.

CPW recommends the development and implementation of a noxious weed control plan for the site. All disturbed soils should be monitored for noxious weeds and noxious weeds should be actively controlled until native plant revegetation and reclamation is achieved. Care should be taken to avoid the spread of noxious weeds, and all construction equipment should be cleaned prior to leaving the site. A noxious weed management plan should be developed prior to any disturbance of the site. CPW recommends that all landscaping in the developed area should be comprised of native species. Using native species with high food and cover values in an open space area is beneficial to wildlife. This can encourage wildlife to concentrate in areas that minimize human conflicts and optimize wildlife watching opportunities. Native plant species can also provide an aesthetically pleasing landscape that requires little maintenance, and are frequently more drought-tolerant than non-native species

CPW recommends a 100 foot buffer zone be permanently placed around the creeks and ponds. If a trail is constructed near the creek or ponds, it should be a minimum of 100 feet from the edge. This buffer zone will offer wildlife utilizing the creek and ponds less disturbance by development and decrease the likelihood of human and wildlife encounters. The existing native riparian vegetation around the

creeks, the ponds and in the drainage ways should be kept intact for wildlife habitat and to increase ground stabilization.

Trails would provide excellent opportunities for wildlife viewing. However, if trails are placed too close to areas utilized by wildlife it creates disturbances resulting in reduced wildlife viewing opportunities. CPW recommends constructing trails on the outer edges of open space areas. This minimizes wildlife disturbance and creates increased wildlife viewing opportunities. Trails near creeks and drainage areas should cross perpendicular rather than run parallel to these critical wildlife habitat areas. Crossings should occur in areas that have the least usage by wildlife in order to have minimal impacts on wildlife.

There is suitable habitat for nesting raptors and migratory birds along the trail route. CPW recommends the use of pre-construction surveys to identify raptor nests within the project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the attached document "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors".

Care should be taken to avoid the destruction of active dens and nests while constructing structures, ponds, and trails. Possible dens or nests should be monitored for species activity. CPW would be concerned if trees and snags were removed for the development. The main concern with removal of trees is that these trees may be currently occupied or historic nest sites. Please take care to avoid removal of trees with occupied nests. For raptors, an active nest is any nest that is frequented or occupied by a raptor during the breeding season or which has been active in any of the five previous breeding seasons. Many raptors use alternate nests in various years; therefore, a nest may be active even if it is not occupied in a given year. Removal or relocation of any active raptor or migratory bird nest will require consultation with CPW and US Fish and Wildlife Service prior to disturbance. Both active and potential nest sites, winter night roosts should be considered when evaluating disturbance during construction.

US Fish and Wildlife Service should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location. CPW recommends consultation with the U.S. Fish and Wildlife Service when permitting any permanent or temporary activity within known or potentially occupied Preble's meadow jumping mouse habitat.

Fences can cause many problems for wildlife, including death, entanglements, and barriers to movements. CPW recommends the developers consult our publication *Hanophy, Wendy* "Fencing with Wildlife in mind." CPW.state.co.us. 2009 when considering the design of fences within the development. The publication is available on our website and we would be happy to provide a link to the PDF specifically. The use of privacy fencing, chain link fencing, and other exclusionary fencing should be at least 6 feet high and should be restricted to the immediate area surrounding the buildings or within the designated building envelope and should not be used as a

method to designate boundaries of larger lot sizes (> 1 acre). Fencing outside the immediate building envelope or area surrounding the buildings on larger lots within the known range of elk, deer and pronghorn should be a maximum top height of 42" with at least 12" spacing between the top two wires or rails and a bottom wire or rail at least 16" above the ground to allow passage of juvenile animals and pronghorn antelope. It is also recommended that the top and bottom wires be a twisted barbless type or smooth wire or rail construction. Construction of ornamental wrought iron fencing with closely spaced vertical bars (<12") and sharp projections extending beyond the top horizontal bar should be strongly discouraged in areas where deer, elk, and black bear are known to occur. This type of fencing typically ensnares deer and elk by the hips when trying to squeeze through and impales animals attempting to go over the top. It should be noted that it is very distressing to find wildlife in or impaled on fences.

Due to the potential presence of black bears in the Development, CPW recommends several measures to reduce the potential for human bear conflicts. First, we recommend that the owner invests in bear-proof trash containers. Trash containers should be stored in the garage or in a solid locked storage shed until the morning of trash collection during those months when bears are most active (April – November). Another possible alternative would be the use of a centralized and securely fenced trash collection site with the use of bear proof dumpsters that employees, customers, and the trash service provider would have access to. This would eliminate the need for individual trash cans. Second, residents and food vendors should also keep their barbecues and any food locked away in the garage or a secure building. Finally, we would recommend that the use of bird feeders and hummingbird feeders be discouraged, during the months mentioned above, since they also attract black bears. However, if feeders are used, they should be placed so they are inaccessible to black bears, raccoons, skunks, deer and other wildlife species that might cause damage or threaten human safety. A copy of a brochure entitled, "living with wildlife in bear country" is available for reference upon request from CPW.

The following is a list of general recommendations the CPW would like to be taken into consideration with the residential side of this development in order to avoid nuisance conflicts with wildlife. Many times these conditions can be enforced through the local Homeowner's Association or through covenants.

Pets should not be allowed to roam free and fences should be installed to decrease or eliminate this problem. Dogs and cats chase or prey on various wildlife species. One benefit to keeping animals under control is that they are less likely to bother other people, be in roadways or become prey for mountain lions, coyotes, foxes or owls.

Trash should be kept indoors until the morning of trash pickup. The CPW recommends using bear resistant trash containers. Bears, skunks, raccoons, and neighborhood dogs are attracted to garbage and do become habituated.

Feeding of all wildlife should be prohibited, with the exception of songbirds. The use of bird feeders, suet feeders, and hummingbird feeders are discouraged. However, if feeders are used, they should be placed so they are inaccessible to bears, raccoons or skunks and other wildlife species that might cause damage or threaten human safety. It is illegal to feed big game including deer, elk, antelope, moose, bear and lion.

Pets should be fed inside or if pets are fed outside, feeding should occur only for a specified period of time and food bowls returned afterwards to a secure site for storage. Pet food left outside attracts various wildlife species which in turn attracts predators.

When landscaping lots, it is strongly recommended that native vegetation be used that wildlife is less likely to be attracted to. Planting of trees and shrubs that are attractive to native ungulates should incorporate the use of materials that will prevent access and damage (fencing, tree guards, trunk guards, etc.).

It is strongly encouraged that dog kennels have a top enclosure, regardless of the height of the kennel.

CPW appreciates being given the opportunity to comment. Please feel free to contact District Wildlife Manager Benjamin Meier at 719-227-5231 or Benjamin.meier@state.co.us should you have any questions or require additional information.

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC

See uploaded Comments **Noted.**

BLACK FOREST LAND USE COMMITTEE

See uploaded Comments **Noted.**

BLACK FOREST TRAILS ASSOCIATION

See uploaded Comments **Noted.**

The trail system seems adequate.

COLORADO GEOLOGICAL SURVEY

Colorado Geological Survey has reviewed the Retreat @ TimberRidge PUD resubmittal. I understand the applicant now proposes 212 residential lots on approximately 300 acres located in the area of Vollmer Road and Arroya Lane. The available referral documents include a revised Letter of Intent (November 2017), a set of three PUD Development Plans (NES, revised December 4, 2017), a revised Soil, Geology, Geologic Hazard, and Wastewater Study, The Retreat at Timber Ridge (Entech Engineering, December 1, 2017), and other documents.

The currently proposed Retreat @ Timber Ridge PUD submittal represents a reduction in density from that previously reviewed by CGS. The site does not

contain, nor is it exposed to, any identified geologic hazards that would preclude the proposed residential use and density. **CGS therefore has no objection to approval of the PUD as proposed. *Noted.***

Entech's report contains a valid descriptions of the site's geology, surface and subsurface conditions and engineering properties, and potential development constraints. I agree that the site is suitable for the proposed development, provided Entech's recommendations are strictly adhered to regarding additional characterization and mitigation of: shallow groundwater and perched water; erosion, downslope creep and potentially unstable slope areas; artificial fill; loose, low density, potentially low strength and/or collapsible soils; and expansive soils and bedrock. Specifically:

Shallow groundwater and basement feasibility. Entech notes evidence of seasonally shallow groundwater at depths of 7 feet in November 2017 test pits 3 and 5, corresponding to the area of, at a minimum, proposed lots R-18 to R-23, and water was observed at 5 feet in test boring 2, located close to Sand Creek approximately behind currently proposed lots 147-148. Entech maps areas of seasonal shallow water (sw) and potential seasonal shallow water (psw) in many areas of the site, generally corresponding to Sand Creek and smaller drainages. It does not appear that there is a widespread shallow groundwater condition that would preclude full-depth basement construction on most proposed lots. Entech states (page 7), "Builders and planners should be cognizant of the potential for the occurrence of such subsurface water features during construction on-site and deal with each individual problem as necessary at the time of

construction." This *may* be a valid strategy for mitigating instances of thin, discontinuous water-bearing sand and gravel lenses and intermittent perched water conditions, but **additional investigation and analysis are recommended to confirm the feasibility of below-grade construction on lots where basements are proposed adjacent to Sand Creek and in Entech's observed shallow groundwater areas.**

Lowermost floor levels *must* be located at least three feet above maximum anticipated groundwater levels, to reduce the risk of water infiltration into below-grade spaces, and damp, mold-conducive conditions.

Full-depth basement construction should therefore not be allowed where shallowest seasonal water levels are less than about 11 feet below the ground surface (more if basement heights greater than 8 ft. are planned). Individual foundation perimeter drains are intended to handle small amounts of intermittent, perched water, and are *not* to be used to mitigate a persistent shallow groundwater condition.

Erosion setback. No lots appear to encroach on the mapped Sand Creek flood hazard zone. However, CGS recommends a conservative building setback from flood zone boundaries and Entech's mapped potentially unstable slopes (Entech's Figure 7) to reduce hazards associated not just with rising floodwaters but also erosion, scour, and local slope failures. The setback should be

determined based on site-specific analysis of topography and soil erosion properties, and should be specifically identified on the plat as non-buildable.

Other geotechnical constraints. Entech provides appropriate mitigation strategies for use where artificial fill, loose, low density, potentially low strength and/or collapsible soils, and expansive soils and bedrock are present. Lot specific, design-level geotechnical investigations including drilling, sampling, lab testing and analysis will be needed, once building locations are identified, to determine groundwater levels, and to characterize soil and bedrock engineering properties such as density, strength, swell and consolidation potential, and bearing capacity at and below approximate foundation bearing depths. This information is needed to determine maximum bearing and minimum dead-load pressures, and to develop final design criteria for foundations, floor systems, pavements, and subsurface drainage.

Thank you for the opportunity to review and comment on this project. If you have questions or require additional review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,
Jill Carlson, C.E.G.
Engineering Geologist

COLORADO STATE FOREST SERVICE

The Wildfire Hazard & Mitigation Report submitted for this project is sufficient to identify the wildfire hazards and provides sound recommendations to reduce those hazards.

If the report is followed by the developer and the future home owners, no other actions are necessary for final approval by the Colorado State Forest Service.

Respectfully,

Larry long
District Forester
719/687-2921
larry.long@colostate.edu

ACADEMY DISTRICT 20

Academy School District has received information regarding the project referenced above from Lewis-Palmer School District 38. A portion of the proposed development is in Academy District 20 and not District 38.

Academy District 20 is requesting fees in lieu of land dedication for all residential development that is located in District 20 within the Retreat at Timber Ridge per existing El Paso County Code.

If you need additional information, please contact me.

Don Smith

Planning Consultant
Office Hours:
Mondays: 7-10 AM
Tuesdays: 7-10 AM
Wednesdays: 7-9 AM
Off Hours: By Appointment
Office: 719-234-1222
Cell: 719-492-4972

LEWIS PALMER 38

This area does not lie within the boundaries of Lewis-Palmer School District 38; it is part of Academy School District 20.

ELPASO COUNTY HEALTH DEPARTMENT

Please accept the following revised comments from El Paso County Public Health (EPCPH) regarding the project referenced above:

- The proposed 263 acre 212 residential lot development will be served water and wastewater services from a couple area metropolitan districts that will be referenced later in this report. There are also 48 residential lots of 2.5 acres+ planned that will utilize individual private wells and onsite wastewater treatment systems (OWTS) as their source of water and wastewater service.
- There is a not a finding for sufficiency in terms of water quality for drinking water for the project due to the lack of an acceptable water quality sample. The sample report is required by El Paso County Public Health to determine water quality sufficiency of the aquifer intended for the proposed 48 individual private wells.
- The remaining lots in the project will have water obtained from an approved Colorado Department of Public Health and Environment, Water Quality Control Division, regulated public water system from which there is a finding of water quality sufficiency. The proposed Retreat @ TimberRidge Metropolitan District will obtain community water service through Sterling Ranch Metropolitan District No. 1. Sterling Ranch Metropolitan District No. 1 has written a letter of intent to provide water to the lots less than 2.5 acres in area.
- Sterling Ranch Metropolitan District No. 1 has agreed to provide wastewater service through the Retreat @ TimberRidge Metropolitan District once the district is formed. A letter verifying the wastewater treatment facility used by Sterling Ranch Metropolitan District No. 1 has sufficient treatment capacity for this development project is requested for review by El Paso County Public Health.
- The Entech Engineering, Inc., Soil, Geology and Geologic Hazard Study dated 12April2017, and revised 01Dec2017, for the 48, 2.5 acre+ lots was reviewed for the determination of suitability of the site for onsite wastewater treatment systems (OWTS) installations. The number of soil test pits (6) for the planned 48 lots proposed to use onsite wastewater treatment systems (OWTS) is less than the requirement of the current Land Development Code. The number of soil tests must be 20% or more of the total number of lots with OWTS's planned. Ten soil test pits minimum are required for 48 such lots. Until this requirement is satisfied, OWTS installations for wastewater service cannot be approved.
- Note: The 6 soil test pits within the report did indicate that shallow ground water was not encountered. However, the report did show that a majority of the soil in the area does have a fluctuating level of bedrock known as the Dawson Formation.

This formation is common throughout the northeastern portion of El Paso County, and OWTS installations are possible with proper design engineering.

- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, will require a Construction Activity Permit from El Paso County Public Health. Go to <http://www.elpasocountyhealth.org/service/air-quality> for more information. If the earthmoving activity is in excess of twenty-five acres at one time, then a Construction Activity Permit is required from Colorado Department of Public Health and Environment, Air Pollution Control Division.
- The storm water detention ponds to be built as storm water quality protection measures will be maintained by the Retreat @ TimberRidge Metropolitan District once formed. The district is encouraged to include mosquito control as part of its maintenance responsibilities. Detention ponds that are not properly maintained provide mosquito breeding habitat and increase the risk of the general public to West Nile Virus.

Mike McCarthy, R.E.H.S.
El Paso County Public Health
mikemccarthy@elpasoco.com
719-575-8602
05Jan2018

ELPASO COUNTY PARKS DEPARTMENT

The Planning Division of the Community Services Department has reviewed the Retreat at Timber Ridge PUD Development Plan, Review #3, and has the following comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board January 10, 2018.

As this is only a rezoning application, preliminary plans and final plats are forthcoming, at which time residential lots will be platted, and fees and trail easement dedications required. The property is located along Vollmer Road, at the intersection of Arroyo Lane. The project is located within the bounds of the Black Forest Preservation Plan.

The 2013 El Paso County Parks Master Plan shows two proposed regional trail connections and one proposed bicycle route impacted by the project. The proposed Sand Creek Regional Trail alignment traverses the central portion of the property, along Sand Creek, while the Arroyo Lane Primary Regional Trail traverses east-west across the property, along Arroyo Lane. Furthermore, the proposed Vollmer Road Bicycle Route runs north/south adjacent to the western property boundary. The far northern edge of the property is located within the Black Forest South Candidate Open Space, although the impact is minimal, as these areas, Tract A and B, are designated as open space or future residential.

Before submitting the original PUD Rezone/Development Plan, which was endorsed by the Park Advisory Board in May 2017, the applicant met with El Paso County Parks staff to discuss the aforementioned trail corridors and other recreational opportunities planned within the proposed development. The applicant's Letter of Intent states the following:

“Applicant has met with County Park Staff regarding parkland. Only trail dedication has been requested. Initial review has indicated that the proposed 3.6 acre neighborhood park will satisfy the urban park requirement.”

Staff Note: During early meetings with the applicant, Staff indicated that regional and urban park fees are required unless the developer entered into a park lands agreement prior to the recording of the final plats. The County typically does not give credit for regional park fees unless regional park land is requested.

“The Retreat at TimberRidge has been planned to have an internal focus on the Sand Creek Greenway and a 3.6 acre central neighborhood park with an additional focus on access to trails.”

“This is a recreation focused community. Recreational amenities, including neighborhood park and trails, are a significant part of the Plan.”

Staff Note: El Paso County Parks encourages creation of the greenway. Its mission is to develop regional parks, but it encourages developers to provide urban park facilities, open space, and recreational amenities.

The original PUD Development Plan showed a 3.6 acre neighborhood park in addition to the Arroyo Lane and Sand Creek Primary Regional Trail corridors. Both trail corridors conform to the El Paso County Parks Master Plan, Trails Master Plan. The original PUD Development Plan also showed 69.12 acres of open space, or 23.6% of the total project area, dedicated to open space, regional trails, water detention, landscaping, and the neighborhood park. This plan far exceeded the required 10% dedicated open space requirement for PUD Development Plans.

Since the time at which the original PUD Development Plan was endorsed in May 2017, the applicant has met with members of the Black Forest Land Use Committee and has made significant changes to the current PUD Development Plan. As a result of those meetings, the applicant reduced the number of residential lots from 482 to 212, and revised the overall street layout. However, the current plan does not include the original 3.6 acre neighborhood park or the 30.23 acre Tract B open space located north of Arroyo Road, thus reducing significantly the amount of open space available for recreational uses from 23.6% to 9.1%. The loss of Tract B also removed a proposed alignment of the Sand Creek Primary Regional Trail north of Arroyo Lane.

The current PUD Development Plan includes a revised residential lot layout, to be developed over five phases. Residential lot sizes range from 5 and 2.5 acres to a 12,000 square feet minimum lot size, with lot sizes increasing in acreage from southeast to northwest to better blend the density in with the surrounding neighborhoods and following guidelines set forth in the Black Forest Preservation Plan.

Based upon the current PUD Development Plan, The Retreat at TimberRidge covers 263 acres and has been preliminarily planned for 212 residential lots for a total density of 0.81 dwelling units per acre. Upon recording of forthcoming final plats, regional park fees in lieu of land dedication for regional park purposes in the amount of \$91,160 would be required, with no required urban park fees due to the revised density falling below the threshold of 2.5 units per acre.

The PUD Development Plan shows 25-foot trail buffers along Sand Creek and Arroyo Lane. Parks staff recommends that all forthcoming preliminary plans and final plats show 25-foot trail easements along the Sand Creek drainage, as well as the 25-foot trail easement along Arroyo Lane, and shall dedicate these 25-foot wide regional trail easements to the County for the County's construction and

maintenance of public multi-use trails on forthcoming final plats. Staff also recommends that the developer reestablish the neighborhood park in order to not only meet the recreational needs of residents, but also to increase the open space acreage to approximately 10%, thus meeting the PUD Development

Plan open space requirement as dictated in the El Paso County Land Development Code. The applicant could apply for an Urban Park Grant to help facilitate the construction of the neighborhood park.

*Recommended Motion:

"Recommend to the Planning Commission and Board of County Commissioners that approval of the Retreat at TimberRidge PUD Rezone/Development Plan include the following conditions, to be implemented on all forthcoming preliminary plans and final plats: (1) provide to El Paso County 25-foot public trail easements along the Sand Creek Drainage and Arroyo Lane that allow for public access, as well as construction and maintenance by El Paso County of primary regional trails, and these easements shall be shown on forthcoming preliminary plans and final plats, and the aforementioned easements shall be dedicated to El Paso County on forthcoming final plats;

(2) reestablish the neighborhood park in order to not only meet the recreational needs of residents, but also to increase the open space acreage to approximately 10%, thus meeting the PUD Development Plan open space requirement as dictated in the El Paso County Land Development Code; and (3) require fees in lieu of land dedication for regional park purposes. The amount of \$91,160 was calculated for informational purposes and is based upon the preliminary lot layout and will be adjusted as preliminary plans and final plats are submitted."

Please let me know if you have any questions or concerns. Sincerely,

Ross A. Williams Park Planner Planning Division
Community Services Department rosswilliams@elpasoco.com

ELPASO COUNTY CONSERVATION DISTRICT

The El Paso County Conservation District have no comments at this time

Revised documents have been uploaded. Please contact our office if you need further information.

Sincerely,

John Maynard