

EL PASO COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

1/5/2018

Prairie Stone, LLC
9476 Dakota Dunes Lane
Peyton, CO 80831-4138

William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903

Dear Applicant and/or Consultant:

Subject: Judge Orr RV Park – Site Development Plan – (PPR-16-040) – review #2

The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.

You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant's representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

1. .

Current Planning

1. **Resolved**
2. **Resolved depending on response to comments below. There is no clear depiction of the phasing of the development shown on the plans.** Response provided indicates there will only be one phase. Traffic report dated 11/29/2017 (page 4) indicates that there will be multiple phases. Phase 1 is to include 50 of 170 RV camp sites will be developed along with 45 mini warehouse storage units. If this is no longer the proposed development pattern revise the traffic report to reflect the new proposal. Page 9 of the traffic report indicates the need for an eastbound left turn lane on Judge Orr is projected sometime after completion of Phase 1. Eliminating the phasing does not eliminate the

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need for the Judge Orr Road improvements. At this point we will have to operate on the ultimate traffic suppositions of the report which will trigger the improvements now.

3. **Resolved.** The limits of phases 2 and 3 are not clearly identifiable. Revise to provide more distinct phasing lines between all phases 1-3. Response provided indicates no phased development.
4. Identify the areas calculated as open/recreational space with an appropriate symbol or designator. Response provided indicates County clarification needed. Section 4.2.5 RVP, Recreational Vehicle Park paragraph 10 requires that 8% of the total area of a recreational vehicle park shall be set aside as open space for park users. This area may not include area reserved for service facilities, setbacks or other non-usable areas. The plan indicates 13.9 acres of open space. The comment is clear. Designate where the open space is located. The detention pond and septic field, being areas reserved for service facilities shall not be included in this calculation.
5. **Resolved depending on response to comments above.** Provide a phasing chart that identifies the amount of RV slips and/or storage spaces proposed in each phase.
6. **Resolved. Sidewalks shown, not labeled. Main office access through “cinder trail” not sidewalk. If not the case, please clarify with label.** Sidewalks must be provided to serve accessory and recreational facilities and identified on the plans and corresponding construction documents required to be reviewed, approved, and recorded prior to approval of the site development plan for the RVP.
7. **Not resolved. No maintenance plan provided.** A maintenance plan meeting the requirements of Section 6.2.8 is required to be reviewed, approved, and recorded prior to approval of the site development plan for RVP. Response provided is “clarification needed”. Section 4.2.5 paragraph 16 (Page 4-14) outlines the requirement for a maintenance plan. Section 6.2.8 Maintenance Plans (Page 6-36) states the purpose and required elements of a maintenance plan. Provide a comprehensive maintenance plan meeting the requirements of Section 6.2.8 with the next submittal. This was a condition of approval (Condition 2) of the RVP zoning so this should not be a surprise or subject of contention. See resolution 16-407.
8. **Resolved. The required landscape counts have not been met for the zoning district boundary categories (1 tree/30 feet of property line), unless, an alternate plan is being proposed to locate required landscaping outside of the landscape setback to have a better effect of screening against some areas. Please provide clarification in the letter of intent and request approval of an alternate plan for that purpose. Also, the proposed fencing with slats has not proven to provide adequate opaque screening, nor been found to be durable under weather conditions. An acceptable form of screening would be an opaque mesh treatment for the chain link fencing.** Submit a complete landscape plan with the next submittal that meets the requirements of the Code. Specifically, Landscaping shall be in conformance with the requirements of Chapter 6. The boundary of the recreational vehicle park shall be buffered with, landscaping, hedges, evergreens, shrubbery or a 6-foot screening wall or fence installed to serve as a buffer from adjacent property. The landscaping, fences, or walls and adjacent setback areas shall be privately owned, constructed and maintained.

9. Prior to issuance of any construction permits for construction activity associated with the proposed RV park, the developer shall provide evidence that the permitting requirements for a public water supply system and required on-site wastewater treatment systems (OWTS) to the Planning and Community Development Department for review and filing. Upon resubmittal, the applicant shall provide responses to comments made by the El Paso County Department of Public Health, Colorado Department of Public Health and Environment, and Upper Black Squirrel Creek Ground Water Management District regarding provision of water and wastewater service within the proposed RV park.
10. **Resolved. Note removed from plan.** Regarding general note #4, provide clarification of the receiving times for RV guests. As stated it implies that no guests will be received, where new guests may be the intent.
11. **Note removed from plan.** Regarding note #22, is it the intent that all needed OWTS will be constructed for all phases with phase 1?
12. **Resolved.** In previous discussions regarding development of the parcel, access to the adjoining parcel to the west which is under the same ownership was discussed. Because access to Judge Orr Road is limited, future access needs of adjacent parcels needs to be assessed. Response is "Access ...has been eliminated.

Additional comments:

13. **Identify any proposed lighting associated with the RVP** Paragraph 6 of Section 4.2.8 states "Road and sidewalks shall be adequately lighted, in conformance with Chapter 6..." See Section 6.2.3 (Page 6-16) for lighting requirements.
14. **The symbology used for the chain link fencing and the split rail are the same. Revise accordingly.** The symbology looks the same in the data tables and is indistinguishable as unique on the plan drawing. Please utilize distinctly different symbols.
15. **Resolved. No data table has been provided on sheets 2, 4, or 5.**
16. **Resolved. The dimensions of the property boundaries need to be included somewhere on the plan set. If the individual map sheets are not practical to label due to the match line, labels can be provided on the main sheet.**
17. **Resolved. A detail has been provided for tent camping sites, but none appear to be located on the plan.**
18. **Not Resolved. The existing building to be used as the office appears to be located over the western property boundary. Revise as necessary.** Response provided "this is correctly indicated, owner(s) may explain." Structures straddling property lines are problematic. How will this issue be resolved? Boundary line adjustment?
19. **Comments from El Paso County Health, CDPHE, the SEO, and UBSCGWMD need to be addressed in the next submittal. The resubmittal was referred to these entities; however, no responses have been received to date.**
20. **Provide a comment response letter with the next submittal.**

New additional comments

21. **Table 4.6 (Page 4-14) clearly indicates that the required setbacks from RV to RV is 20 feet. Pad details indicate a setback of 10 feet. This plan will need to be revised**

- to indicate the correct setback or relief will have to be requested. Alternatively, provide documentation that a reduction of the setback by 50% has been provided.
22. Remove General Notes 1, 2, 3, 4 and 5. Once the site development plan is approved the expectation is that the site will be built as approved. An amendment to an approved site development plan will be required to accommodate changes.
 23. Be advised that notes on the approved plan are subject to enforcement by El Paso County. For instance Note 11 gives the County the right and responsibility to measure the mounded height of the medians and lot islands. Mounded heights of less than 24" are then an enforceable item. Recommend removing notes such as this from the plan. This is the same for the Landscape Notes. General Notes and Landscape Notes are not required on a Site Development Plan. The recommendation is that all General Notes and Landscape Notes be removed.

Engineering Division

DSD Engineering reviews plans and reports to ensure general conformance with El Paso County standards and criteria. The project engineer is responsible for compliance with all applicable criteria, including other governmental regulations. Notwithstanding anything depicted in the plan in words or graphic representation, all design and construction related to roads, storm drainage, and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted El Paso County standards, including the Land Development Code, the Engineering Criteria Manual, the Drainage Criteria Manual, and the Drainage Criteria Manual Volume 2. Any deviations from regulations and standards must be requested in writing and approved by the ECM Administrator. Any modifications necessary to meet overlooked criteria after-the-fact will be the developer's responsibility to rectify.

The following are Engineering Division comments regarding the submitted documents for the subject application. A written response to all comments is required for review of the re-submittal. Additional comments may be generated on items added or altered after the original comments.

General

1. Resolved.
2. Resolved.
3. With the phasing plan removed. Submit a street construction plans for the improvements required on Judge Orr road. Update the FAE to include the cost of these public improvements. **Unresolved. The site development plan does not identify phasing. Per the Traffic Impact Study recommendation, an eastbound left turn lane on Judge Orr Road is required at buildout.**
4. **The Site Plan, Grading and Erosion Control, and Traffic Study do not coincide with each other. The site plan shows buildout of the entire site with no phasing, the GEC excludes the RV/Boat storage and the Traffic Study identifies 50 RV park sites with phase 1. Update accordingly so all plans match.**

Letter of Intent

1. Resolved.
2. **Submit an updated Letter of Intent per general comment number 4 above.**

Site Development Plan

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request. **Pending, with the County Engineer.**
2. Resolved.
3. Resolved.
4. Resolved.
5. Per the traffic impact study show the proposed roadway improvement on Judge Orr Road for the required east bound left turn lane. Note that a separate street improvement plans shall be submitted for approval. **Unresolved.**
6. Resolved.
7. Resolved.

Traffic Study

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request. **Pending.**
2. Update the long range projection to provide analysis based on the Stapleton Road Access Management Plan which shows a future local road at the north side of the property. Per the County Engineer, one or both access to Judge Orr may be closed once the future local road is constructed. **Unresolved.**
3. Resolved.
4. **The site development plan does not propose phasing. Update accordingly.**

Final Drainage Report (FDR)

1. Existing condition:
 - a. Resolved.
 - b. **In page 3 Sub-Basin A3. The last sentence identified the ultimate outfall as DP7. The existing drainage map shows this as DP6. Update to match.**
 - c. **Since the basins along the south have been revised to include the ditch along Judge Orr, provide channel capacity calculations. Update the narrative to discuss the results. Is there sufficient capacity to include the freeboard? Is the ditch stable?**
2. Developed condition:
 - a. N/A.
 - b. Provide culverts at the two driveway locations. Include supporting culvert, show on the drainage map and provide construction details in the grading and erosion control plan. **Unresolved. Provide culvert calculation which includes the Hw/D.**
 - c. N/A.
 - d. Include the narrative for phase 1 sub-basin A. Based on the revised sub-basin identification. Update the text from Sub-basin A to Sub-basin A1 (pg 4). **Unresolved. Elaborate. The proposed drainage map shows gravel area and does not show the full buildout configuration. Is the loose gravel surfacing for phase 1 only or for buildout condition? The pond should be sized for buildout condition, if it is not then identify that a drainage letter is required with development of sub-basin A1 and retrofit of the existing pond will be required. Also, see general comment number 4 above.**

- e. N/A.
 - f. N/A.
 - g. N/A.
 - h. N/A.
 - i. Add a narrative in the developed condition discussing how this project provides drainage accommodation for future development within OS-1, OS-2, and OS-3. How will they tie in to your system or drain to your site? State and identify in the developed drainage map the allowable flow that will flow into DP 1. **Unresolved. Based on the added narrative and proposed stormdrain system, the two ponds function as ponds in a series. The pond associated with the RV Park & Storage must be evaluated as such.**
 - j. N/A
 - k. Resolved.
 - l. **N/A.**
3. Water Quality/Detention:
- a. Update the water quality and detention narrative. The criteria are based on the El Paso County Drainage Criteria Manual as amended. Describe the type of detention facility design (EDB?) and summarize the required pond design (WQCV, EURV, 100yr volume, release rate, etc.). ~~Update Table 3 Column 3 header from SF to CF, and the header for column 4 & 5 (are these depth and size of the WQCV/EURV orifice?),~~ **Unresolved. Revise the pond release so the ultimate outfall (DP7=170 cfs) is equal to or below historic rate (144 cfs). The pond release is greater than the historic at DPD. Additional improvements on the downstream channel may be required.**
 - b. State that the pond is privately owned and maintained. **Unresolved**
 - c. N/A.
 - d. N/A.
 - e. N/A.
 - f. N/A.
4. Resolved.
5. Resolved.
6. Resolved.
7. Drainage Maps:
- a. Resolved.
 - b. Resolved.
 - c. Resolved.
 - d. ~~Include a runoff summary table and a pond summary table.~~ **Unresolved. Provide the pond summary (required WQCV, EURV, 100yr Volume)**
 - e. **Add contour labels to the existing contours**
8. Resolved.
9. Resolved
10. Resolved.
11. Appendix B
- a. Resolved.
 - b. Resolved.
 - c. Provide the ditch capacity calculation for the swale along the western property line which conveys runoff from OS1 and the swale along the eastern property line. **For the ditch capacity calculation, include the manning's roughness coefficient used.**
 - d. Resolved.
 - e. Resolved.

- f. **Per comments above, submit culvert calculations for the driveway culverts. Include the Hw/D.**
- g. **Per comments above, based on the system layout the pond shall be analyzed as a pond in a series.**
- h. **The pond stage-storage in the UD-Detention must be based on the proposed grading (input under the override stage/area).**
- i. **Provide riprap sizing calculation for the pond outfall pipe.**

Grading & Erosion Control (GEC) Plan

1-20 Resolved

- 21. Resolved. Private system.
- 22. Resolved.
- 23. Resolved.
- 24. Resolved.
- 25. N/A.
- 26. Provide construction details, and plan & profile for the storm drains. It's unclear what is occurring at the stormpipe stubs near the western property line. The northern stub appears to be 2 ft below existing ground while the southern stub appears to be exposed over the proposed ground. **The proposed contours (6865 & 6864) are missing north of the stormline stub.**
- 27. Resolved.
- 28. Update Figure OS-2 and OS-4 detail to provide actual elevations. **Unresolved. Also, identify the orifice diameter.**
- 29. Provide an orifice plate detail, restrictor plate detail and emergency overflow cross section detail. **Unresolved.**
- 30. **Add the plan view of the storm line with the profile. Include the HGL on the profile.**
- 31. **Per DCM Section 11.3.3. A geotechnical analysis and report is required to include recommendations for the foundation preparation and embankment construction for the EDB. Incorporate and provide construction details of the embankment.**

ESQCP

- 1. Resolved.
- 2. **Submit the EPC MS4 Post Construction Form**
- 3. **Submit the SDI worksheet.**
- 4. **Provide a copy of the Non-Jurisdictional Water Impoundment Structure form prior to preconstruction.**
- 5. **Contact CDPHE regarding the Air Pollution Emission Notice and Emission Permit. This may be required since the construction activity is greater than 25 acres and the duration is longer than 6 months.**

O&M

No Comments

SWMP

- 1. **See the attached checklist for items that needs to be addressed.**

FAE

- 1. Resolved.
- 2. Resolved.

3. Resolved.
4. Add the quantities for the Judge Orr Road improvements in Section 2. **Unresolved. See general comment number 4 above.**
5. **Add an amount in the As-built row in the last page for survey to verify detention pond volumes.**

Attached:
SWMP checklist

The following agencies have not provided review comments to-date:

County Attorney Office
El Paso County Sheriff

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.

If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.

When all the comments have been addressed and corrections made please submit the required documents as requested on the attached resubmittal matrix.

If you have any questions feel free to contact me at 719-520-6302.

Best Regards,

Raimere Fitzpatrick
El Paso County Planning and Community Development Department

cc: Gilbert LaForce, Engineering
File: PPR-16-040



COMMISSIONERS:
SALLIE CLARK (CHAIR)
DARRYL GLENN (VICE-CHAIR)

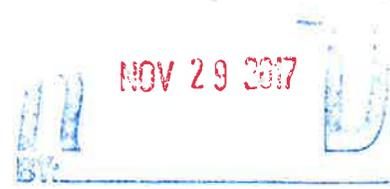
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PLANNING AND COMMUNITY DEVELOPMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

10/31/2017

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9476 Dakota Dunes Lane
Peyton, CO 80831-4138

William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
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Dear Applicant and/or Consultant:

Subject: Judge Orr RV Park – Site Development Plan – (PPR-16-040) – review #2

The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.

You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant's representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Current Planning

- 1. Resolved**
- 2. Not Resolved. There is no clear depiction of the phasing of the development shown on the plans.** Does Phase 1 extend beyond the intersection of Honeywood Lane West and RV Park Center Drive? It is not clear. The notes say there will be RV storage in phase 1, but I can't tell where this is located. **The current plan is for a single phase of**

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development. The areas called out as RV storage on our plans will be part of this single phase.

3. **Not Resolved.** The limits of phases 2 and 3 are not clearly identifiable. Revise to provide more distinct phasing lines between all phases 1-3. **The current plan is for a single phase of development. Phasing lines are not applicable.**
4. Identify the areas calculated as open/recreational space with an appropriate symbol or designator. **The areas calculated as open space are on the Site Data Table and Site Density Table on the Final Development Plan Cover Sheet DP1.**
5. **Not Resolved. No phasing chart provided.** Provide a phasing chart that identifies the amount of RV slips and/or storage spaces proposed in each phase. **The current plan is for a single phase of development. A phasing chart is not applicable.**
6. **Not resolved. Sidewalks shown, not labelled. Main office access through “cinder trail” not sidewalk. If not the case, please clarify with label.** Sidewalks must be provided to serve accessory and recreational facilities and identified on the plans and corresponding construction documents. **Labels have been added to the plans for clarification.**
7. **Not resolved. No maintenance plan provided.** A maintenance plan meeting the requirements of Section 6.2.8 is required to be reviewed, approved, and recorded prior to approval of the site development plan for the RVP. **We are providing a maintenance plan with the final submittal.**
8. **Not Resolved. The required landscape counts have not been met for the zoning district boundary categories (1 tree/30 feet of property line), unless, an alternate plan is being proposed to locate required landscaping outside of the landscape setback to have a better effect of screening against some areas. Please provide clarification in the letter of intent and request approval of an alternate plan for that purpose. Also, the proposed fencing with slats has not proven to provide adequate opaque screening, nor been found to be durable under weather conditions. An acceptable form of screening would be an opaque mesh treatment for the chain link fencing.** Submit a complete landscape plan with the next submittal that meets the requirements of the Code. Specifically, Landscaping shall be in conformance with the requirements of Chapter 6. The boundary of the recreational vehicle park shall be buffered with, landscaping, hedges, evergreens, shrubbery or a 6-foot screening wall or fence installed to serve as a buffer from adjacent property. The landscaping, fences, or walls and adjacent setback areas shall be privately owned, constructed and maintained. **A detail has been added addressing the height and opacity of the fencing. The fencing with the opaque treatment is applied to the perimeter adjacent to the storage areas only. The fencing along the property which parallels the RV pads is not opaque. Additional evergreen trees have been added along the eastern property line to comply with the 1 tree per 25 linear feet requirement. The 50% evergreen requirement has been exceeded.**
9. Prior to issuance of any construction permits for construction activity associated with the proposed RV park, the developer shall provide evidence that the permitting requirements for a public water supply system and required on-site wastewater treatment systems

(OWTS) to the Planning and Community Development Department for review and filing. Upon resubmittal, the applicant shall provide responses to comments made by the El Paso County Department of Public Health, Colorado Department of Public Health and Environment, and Upper Black Squirrel Creek Ground Water Management District regarding provision of water and wastewater service within the proposed RV park. Entech Engineering will assist the applicant with review responses made by the above-referenced entities. To date, comments have not been received.

10. **Resolved. Note removed from plan.** Regarding general note #4, provide clarification of the receiving times for RV guests. As stated it implies that no guests will be received, where new guests may be the intent. Access will be permitted twenty-four (24) hours a day, seven (7) days a week.
11. **Note removed from plan.** Regarding note #22, is it the intent that all needed OWTS will be constructed for all phases with phase 1? Yes, all needed OWTS will be constructed during the single phase now proposed.
12. In previous discussions regarding development of the parcel, access to the adjoining parcel to the west which is under the same ownership was discussed. Because access to Judge Orr Road is limited, future access needs of adjacent parcels needs to be assessed. Access to adjacent PUD parcel has been eliminated. Both proposed points of access are as indicated on the plans.

Additional comments:

13. **Identify any proposed lighting associated with the RVP** Exterior lighting will be provided at the permanent buildings (restroom/shower/laundry facilities, and welcome center) only.
14. **The symbology used for the chain link fencing and the split rail are the same. Revise accordingly.** The symbology has been revised.
15. **No data table has been provided on sheets 2, 4, or 5.** The data table has been added to the sheets requested.
16. **The dimensions of the property boundaries need to be included somewhere on the plan set. If the individual map sheets are not practical to label due to the match line, labels can be provided on the main sheet.** The dimensions are now clearly labeled.
17. **A detail has been provided for tent camping sites, but none appear to be located on the plan.** The detail for tent camping sites has been removed. There will be no tent camping sites located within this project.
18. **The existing building to be used as the office appears to be located over the western property boundary. Revise as necessary.** This is correctly indicated. The owners who share the western property boundary have no contention with its location.
19. **Comments from El Paso County Health, CDPHE, the SEO, and UBSCGWMD need to be addressed in the next submittal. The resubmittal was referred to these entities; however, no responses have been received to date.** Entech Engineering will assist the applicant with review responses made by the above-referenced entities.

20. Provide a comment response letter with the next submittal. Agreed.

Engineering Division

DSD Engineering reviews plans and reports to ensure general conformance with El Paso County standards and criteria. The project engineer is responsible for compliance with all applicable criteria, including other governmental regulations. Notwithstanding anything depicted in the plan in words or graphic representation, all design and construction related to roads, storm drainage, and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted El Paso County standards, including the Land Development Code, the Engineering Criteria Manual, the Drainage Criteria Manual, and the Drainage Criteria Manual Volume 2. Any deviations from regulations and standards must be requested in writing and approved by the ECM Administrator. Any modifications necessary to meet overlooked criteria after-the-fact will be the developer's responsibility to rectify.

The following are Engineering Division comments regarding the submitted documents for the subject application. A written response to all comments is required for review of the re-submittal. Additional comments may be generated on items added or altered after the original comments.

General

1. Resolved.
2. Include the SDI worksheet and MS4 Post Construction Form with the next submittal. **Partially resolved. The applicant emailed an SDI worksheet on 10/10/17. Based on the drainage report, the applicant is proposing porous pavement which contains WQ and detention, therefore an SDI worksheet for this facility is also required. Porous pavement deleted.**
3. **With the phasing plan removed. Submit a street construction plans for the improvements required on Judge Orr road. Update the FAE to include the cost of these public improvements. Judge Orr Roadway improvements not required at this time.**

Letter of Intent

1. Resolved.

Site Development Plan

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request. **Unresolved. Deviation request submitted.**
2. Show the Cessna Drive/Judge Orr Road location on the plans. Honeywood Lane West must be located directly across from Cessna Drive. **Unresolved. Refer to detail "A" on Final Development Plan Landscape Details, Sheet DP7. The detail shows the alignment of Cessna Drive with Honeywood Lane West at Judge Orr Road.**
3. Resolved.
4. Resolved.
5. Per the traffic impact study show the proposed roadway improvement on Judge Orr Road for the required east bound left turn lane. Note that a separate street improvement plans shall be submitted for approval. **Unresolved.**

6. Resolved.
7. Preserve 30' for future Right-of-Way along the north side in conformance to the Stapleton Road Access Management Plan. One or both access along Judge Orr Road may be closed and relocated to the north with the construction of the future road indicated in the Stapleton Road Access Management Plan. **Unresolved.** 30' future right-of-way delineated.

Traffic Study

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request. **Unresolved.**
2. Update the long range projection to provide analysis based on the Stapleton Road Access Management Plan which shows a future local road at the north side of the property. Per the County Engineer, one or both access to Judge Orr may be closed once the future local road is constructed. **Unresolved.**
3. In previous discussions regarding development of the parcel, access to the adjoining parcel to the west which is under the same ownership was discussed. Because access to Judge Orr Road is limited, future access needs of adjacent parcels needs to be assessed. **Unresolved.**

Final Drainage Report (FDR)

1. Existing condition:
 - a. **On the 3rd paragraph in Sub-Basin OS4, categorically state whether or not Sub-Basin OS4 and OS-3 runoff is separate from or are conveyed by the Judge Orr Road roadside ditch. Same comment applies to the next paragraph for Sub-Basin A3. If these flows are not conveyed by the roadside ditch then another culvert would be required at the driveway access to allow the runoff to pass through. Drainage map revised to include ditch flows.**
2. Developed condition:
 - a. N/A.
 - b. Provide culverts at the two driveway locations. Include supporting culvert, show on the drainage map and provide construction details in the grading and erosion control plan. **Unresolved Culverts shown on plans.**
 - c. N/A.
 - d. Include the narrative for phase 1 sub-basin A. **Based on the revised sub-basin identification. Update the text from Sub-basin A to Sub-basin A1 (pg 4) Sub-basin text revised.**
 - e. N/A.
 - f. N/A.
 - g. N/A.
 - h. N/A.
 - i. Add a narrative in the developed condition discussing how this project provides drainage accommodation for future development within OS-1, OS-2, and OS-3. How will they tie in to your system or drain to your site? State and identify in the developed drainage map the allowable flow that will flow into DP 1. **Unresolved.** A narrative added for property west of the site.
 - j. N/A

- k. Provide construction details, and plan & profile for the storm drains in the Grading and Erosion Control Plans. **Unresolved.** **Plan/profiles added for the storm sewers.**
 - l. **The 4-in loose gravel for sub-basin A1 (pg 4) is insufficient for water quality and detention. See UDFCD Vol. 3 Fact Sheet T-10.4 for the porous gravel pavement section. Porous pavement deleted.**
3. Water Quality/Detention:
- a. Update the water quality and detention narrative. The criteria are based on the El Paso County Drainage Criteria Manual as amended. Describe the type of detention facility design (EDB?) and summarize the required pond design (WQCV, EURV, 100yr volume, release rate, etc.). **Update Table 3 Column 3 header from SF to CF, and the header for column 4 & 5 (are these depth and size of the WQCV/EURV orifice?) Table 3 updated.**
 - b. **State that the pond is privately owned and maintained. Ownership and maintenance delineated.**
 - c. **Provide the supporting calculation for the porous pavement and show the extents of this facility. Porous pavement deleted.**
 - d. **Provide the construction detail for the porous pavement within the Grading and Erosion Control Plan for review. Porous pavement deleted.**
 - e. **If porous pavement detention is provided in Basin A1 as implied in Table 4 and the narrative, then the EDB hydrology/hydraulic calculation must be revised to be a pond in series to account for the release from the porous pavement which discharges into the EDB. Porous pavement deleted.**
 - f. **Include an observation well to monitor the drain time of the pavement system over time. See UDFCD DCM Vol 3 Chapter 4 Figure PPS-8. Porous pavement deleted.**
4. Resolved.
5. Resolved.
6. Provide a cost estimate section for the proposed drainage improvements. **Move the items from the public drainage facilities to the private drainage facilities since driveway culverts are private. Items moved.**
7. Drainage Maps:
- a. Provide a legend on the drainage maps.
 - b. Show the location of the 24" CMP (MDDP DP A1) on the developed drainage maps and note the flow rates. **Unresolved. Label the existing 24" CMP conveying the flow from Sub-basin OS3 in both the existing and proposed map. Pipe shown.**
 - c. Resolved.
 - d. Include a runoff summary table and a pond summary table. **Unresolved.**
8. **Add a table of contents. Table added.**
9. **Update Jennifer Irvine's title to County Engineer/ECM Administrator. Info revised.**
10. **Remove the word City in the Engineer's Statement. City removed.**
11. Appendix B
- a. **Aerial maps and the existing drainage map contradict the surface condition areas calculated in the calculated c value for historic condition. Basin A2 notes 4.9 ac of asphalt road and 6 acres or RV parking gravel vs a gravel driveway. Also, basin A1 appears to mainly consist of undeveloped area instead of loose gravel. Revise the weighted c and rational method calculations accordingly. If asphalt paving is present then show these areas in the existing drainage map. Existing conditions revised**

- b. **On the drainage calculation sheet, revised the header for the top half of calculations to historic conditions assuming this was mislabeled. Header revised**
- c. **Provide the ditch capacity calculation for the swale along the western property line which conveys runoff from OS1 and the swale along the eastern property line. Ditch calculations provided**
- d. **The percent imperviousness in the EDB calculation appears to be small. Provide the calculations for the percent imperviousness. Impervious area calculations provided**
- e. **Provide additional analysis for the two stubs at the western property line. Based on the design they will act similar to a culvert. Delineate the 100yr spread. Ponding shall not occur on the adjacent property. 100-year spread shown and approval letter obtained from adjacent property.**

Grading & Erosion Control (GEC) Plan

1. Provide a cover sheet and revise the title from "Preliminary Grading Plan" to Grading and Erosion Control Plan. See Appendix E of the ECM for the GEC submittal checklist. Attached are the standard signature block and GEC notes that must be included in the plan set. **Unresolved. Cover sheet with vicinity map and sheet index, and point of contacts. Cover sheet added**
2. Move the utility plan and utility service plan sheets to the Site Development Plan set. **Unresolved. Utility plans moved**
3. Resolved.
4. Resolved.
5. N/A.
6. Resolved.
7. Remove the directional arrows shown on the driveways or identify what they are on the legend. **Unresolved. Shown on legend**
8. Change the label to "Preservation line for future Judge Orr Road R.O.W.". **Unresolved Label revised**
9. Adjust the property line label and section corner label so they are legible. Text overlap for the western boundary, and viewport crop along for the northern boundary and the southwest section label. **Unresolved. Information made legible**
10. Resolved.
11. Resolved.
12. Resolved.
13. Resolved.
14. Provide a typical cross section for the grading along the western boundary in the vicinity of pods 15 to 25. The contour seems to show berm and swale. Identify the slopes, min/max depth of the proposed swale, and the lining of swale (grass, gravel, etc.). See DCM Table 10-4 for maximum velocities for earth channels with varied grass linings and slopes. **Unresolved. The cross section shall depict the swale's location with respect to the ROW. Swale cross-section shown**
15. Add the following as a third paragraph in the El Paso County signature block:
 "In accordance with ECM Section 1.12, these construction documents will be valid for construction for a period of 2 years from the date signed by the El Paso County Engineer. If construction has not started within those 2 years, the plans will need to be resubmitted for approval, including payment of review fees at the Planning and Community Development Directors discretion." **Note added**

16. Update the silt fence and straw bale line type from a shaded line to a solid black for visibility and readability. **Line type revised**
17. Provide a maintenance access ramp to reach the outlet structure at the bottom of the pond. **Access ramp added**
18. Identify the slope of the pond's low flow channel. **Slope added**
19. Provide a cross section detail of the pond's low flow channel. **Cross-section added**
20. Label the pond side slopes for clarification. **Side slopes added**
21. Manhole is required along the 36" stormline discharging into the pond. Per DCM 6.3.4 Max Permissible Spacing is 500 ft and per 6.3.6 mitered bends shall be limited to 45d max. **Manhole added**
22. Show the inlet protection and the temporary sediment basin identified in the financial assurance estimate form. **Inlet protection and temporary sedimentation basin added**
23. Provide a concrete washout basin and include the detail. **Detail added**
24. Move the Stockpile Area and Staging Area outside of the permeable pavement system. **Porous pavement deleted**
25. Add the following notes regarding the permeable pavement system:
 - a. The contractor shall, at all times during and after system installation, prevent sediment, debris, and dirt from any source from entering the permeable pavement system. **Porous pavement deleted**
 - b. Placement of the wearing course shall be performed after fine grading and landscaping in adjacent areas is complete. If the wearing course becomes clogged due to construction activities, clean the surface with a vacuum machine to restore the infiltration rate after construction is complete. **Porous pavement deleted**
 - c. Loose materials shall not be stored on the permeable pavement area. **Porous pavement deleted**
 - d. Subgrade shall be excavated using low ground pressure (LGP) track equipment to minimize over compaction of the subgrade. (Add this note if the design is for partial or full infiltration). **Porous pavement deleted**
26. Provide construction details, and plan & profile for the storm drains. It's unclear what is occurring at the stormpipe stubs near the western property line. The northern stub appears to be 2 ft below existing ground while the southern stub appears to be exposed over the proposed ground. **Plan/profile added**
27. Move the vehicle tracking to the western driveway access. Unless an approved deviation request is in place the eastern driveway must be removed. **VTC moved and deviation request submitted**
28. Update Figure OS-2 and OS-4 detail to provide actual elevations. **Elevations shown**
29. Provide an orifice plate detail, restrictor plate detail and emergency overflow cross section detail. **Details added**

ESQCP

1. An Erosion and Stormwater Quality Control Permit (ESQCP) is required.
 - a. Per section 1.1 of the application form, include the following with the submittal for review: Financial Assurance Estimate Form, Stormwater Management Plan (SWMP), Operation and Maintenance Plan for any proposed permanent BMPs; and a signed Private Detention Basin/Stormwater Quality BMP agreement. See the attached template. The other items are required prior to the preconstruction meeting with PCD Inspections. **Unresolved. Submit the SWMP, and O&M Manual for review. SWMP and O&M manual provided**
 - b. N/A

FAE

1. Add quantity for earthwork. **Earthwork quantity added**
2. Move the quantities for Temporary Seeding and Temporary Mulching to the Permanent Seeding and Mulching at the top of Section 1. **Quantities moved**
3. Add a quantity for a concrete washout basin. **Concrete washout added**
4. Add the quantities for the Judge Orr Road improvements in Section 2. **No improvements required at this time.**

The following agencies have not provided review comments to-date:

County Attorney Office
El Paso County Sheriff

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.

If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.

When all the comments have been addressed and corrections made please submit the required documents as requested on the attached resubmittal matrix.

If you have any questions feel free to contact me at 719-520-6302.

Best Regards,

Raimere Fitzpatrick
El Paso County Planning and Community Development Department

cc: Gilbert LaForce, Engineering
File: PPR-16-040

PLANNING AND COMMUNITY DEVELOPMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

1/19/2017

Prairie Stone, LLC
9476 Dakota Dunes Lane
Peyton, CO 80831-4138

William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903

Dear Applicant and/or Consultant:

Subject: Judge Orr RV Park – Site Development Plan – (PPR-16-040)

The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.

You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant's representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Current Planning

1. Revise the title of the document sheets to "Site Development Plan".
2. Does Phase 1 extend beyond the intersection of Honeywood Lane West and RV Park Center Drive? It is not clear. The notes say there will be RV storage in phase 1, but I can't tell where this is located.
3. The limits of phases 2 and 3 are not clearly identifiable. Revise to provide more distinct phasing lines between all phases 1-3.
4. Identify the areas calculated as open/recreational space with an appropriate symbol or designator.
5. Provide a phasing chart that identifies the amount of RV slips and/or storage spaces proposed in each phase.

6. Sidewalks must be provided to serve accessory and recreational facilities and identified on the plans and corresponding construction documents.
7. A maintenance plan meeting the requirements of Section 6.2.8 is required to be reviewed, approved, and recorded prior to approval of the site development plan for the RVP.
8. Submit a complete landscape plan with the next submittal that meets the requirements of the Code. Specifically, Landscaping shall be in conformance with the requirements of Chapter 6. The boundary of the recreational vehicle park shall be buffered with, landscaping, hedges, evergreens, shrubbery or a 6-foot screening wall or fence installed to serve as a buffer from adjacent property. The landscaping, fences, or walls and adjacent setback areas shall be privately owned, constructed and maintained.
9. Prior to issuance of any construction permits for construction activity associated with the proposed RV park, the developer shall provide evidence that the permitting requirements for a public water supply system and required on-site wastewater treatment systems (OWTS) to the Planning and Community Development Department for review and filing. Upon resubmittal, the applicant shall provide responses to comments made by the El Paso County Department of Public Health, Colorado Department of Public Health and Environment, and Upper Black Squirrel Creek Ground Water Management District regarding provision of water and wastewater service within the proposed RV Park.
10. Regarding general note #4, provide clarification of the receiving times for RV guests. As stated it implies that no guests will be received, where new guests may be the intent.
11. Regarding note #22, is it the intent that all needed OWTS will be constructed for all phases with phase 1?
12. In previous discussions regarding development of the parcel, access to the adjoining parcel to the west which is under the same ownership was discussed. Because access to Judge Orr Road is limited, future access needs of adjacent parcels needs to be assessed.

Engineering Division

DSD Engineering reviews plans and reports to ensure general conformance with El Paso County standards and criteria. The project engineer is responsible for compliance with all applicable criteria, including other governmental regulations. Notwithstanding anything depicted in the plan in words or graphic representation, all design and construction related to roads, storm drainage, and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted El Paso County standards, including the Land Development Code, the Engineering Criteria Manual, the Drainage Criteria Manual, and the Drainage Criteria Manual Volume 2. Any deviations from regulations and standards must be requested in writing and approved by the ECM Administrator. Any modifications necessary to meet overlooked criteria after-the-fact will be the developer's responsibility to rectify.

The following are Engineering Division comments regarding the submitted documents for the subject application. A written response to all comments is required for review of the re-submittal. Additional comments may be generated on items added or altered after the original comments.

General

1. Include the following at the bottom right of the Grading and Erosion Control Plan, Drainage Report and SWMP report cover sheet: "PCD Project No. 16-040".
2. Include the SDI worksheet and MS4 Post Construction Form with the next submittal.

Letter of Intent

1. There seems to be a discrepancy between the letter of intent, and site plan. The site plans show a phased limit of construction that does not match the total number of pad and storage sites. Update both the letter of intent and site plan to match.

Site Development Plan

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request.
2. Show the Cessna Drive/Judge Orr Road location on the plans. Honeywood Lane West must be located directly across from Cessna Drive.
3. Remove the Grading Plan and Erosion Control details from the site development plan set and submit as a standalone package. See below for comments pertaining to the standalone Grading and Erosion Control Plan.
4. Identify the surface material at the RV Park. Is it similar to the open storage?
5. Per the traffic impact study show the proposed roadway improvement on Judge Orr Road for the required east bound left turn lane. Identify as a Phase 3 improvement. Note that a traffic impact study is required prior to Phase 2 to determine if the turn lane is warranted with Phase 2. Note that a separate street improvement plans shall be submitted for approval when the roadway improvement is warranted.
6. Modify the access points to allow vehicle turnaround outside the gate.
7. Preserve 30' for future Right-of-Way along the north side in conformance to the Stapleton Road Access Management Plan. One or both access along Judge Orr Road may be closed and relocated to the north with the construction of the future road indicated in the Stapleton Road Access Management Plan.

Traffic Study

1. The ECM (Table 2-4) does not permit direct access from a parcel to a rural minor arterial roadway. However, since no local public or private road can provide access to the property, a single access point to Judge Orr Road will be permitted at Honeywood Lane West. Remove the Honeywood Lane East access point or submit a deviation request.
2. Update the long range projection to provide analysis based on the Stapleton Road Access Management Plan which shows a future local road at the north side of the property. Per the County Engineer, one or both access to Judge Orr may be closed once the future local road is constructed.
3. In previous discussions regarding development of the parcel, access to the adjoining parcel to the west which is under the same ownership was discussed. Because access to Judge Orr Road is limited, future access needs of adjacent parcels needs to be assessed.

Final Drainage Report (FDR)

1. Existing condition:
 - a. Rephrase the narrative for the twin 54-inch CMP culvert. As written, it implies that the flow flows through the property prior to discharging into the existing channel.
 - b. The narrative starting from the third paragraph of the Existing Drainage Condition (pg. 2) was taken directly from the MDDP. The original report should be cited appropriately.
 - c. Include an existing drainage map specific to the site.
 - d. Remove the following basins and design points (O-2, O-4, 4.0, DP C, and DP D) from table 1 (pg. 3) and update the narrative accordingly. These basins do not seem to impact or are impacted by the proposed development site.

- e. The following design points (B1, B2 & D1) from the MDDP are impacted by the proposed development and should be identified in table 1.
2. Developed condition:
 - a. The site development plan and letter of intent notes three phases. Update the FDR to match the rest of the application.
 - b. Provide culverts at the two driveway locations. Include supporting culvert, show on the drainage map and provide construction details in the grading and erosion control plan.
 - c. The flows noted in the phase 1 drainage map do not match the narrative (pg. 4) for the off-site basins during Phase 1 development.
 - d. Include the narrative for phase 1 sub-basin A.
 - e. Update the 100yr runoff for sub-basin C1 in the narrative (pg. 4).
 - f. Update the 4th sentence of the Sub-Basin C1 paragraph. The combined runoff at DP4 is C1 + C2 not DP3 + C2.
 - g. Update the sub-basin D narrative to state runoff will be conveyed to the proposed wq/detention pond by a proposed swale.
 - h. Existing Basin 5.1 in the MDDP was identified as sheet flow. The proposed condition will route this through an on-site detention pond. What impact will this new drainage pattern have on the downstream properties?
 - i. Update the narrative for Basins OS-1, OS-2 and OS-3 to clarify the following questions. Why is the total area different from the MDDP Basin 1.0? Extend the drainage map to show these sub-basin boundaries. Discuss how this project provides drainage accommodation for future development within OS-2. How will they tie in to your system or drain to your site? State and identify in the developed drainage map the allowable flow that will flow into DP 1.
 - j. Does DP 1 account for the flows from MDDP DP A?
 - k. Provide construction details, and plan & profile for the proposed phase 2 storm drains in the Grading and Erosion Control Plans.
3. Water Quality/Detention:
 - a. Update the water quality and detention narrative. The criteria are based on the El Paso County Drainage Criteria Manual as amended. Describe the type of detention facility design (EDB?) and summarize the required pond design (WQCV, EURV, 100yr volume, release rate, etc.).
 - b. Replace the HEC-HMS/SCS method with the latest UD-Detention worksheet for designing and sizing the water quality detention pond. Based on UDFCD's full spectrum sizing method the UD-Detention worksheet is applicable for watersheds from 130 acres to 1 square mile. State whether or not the pond designs is sized for full build out or phase 1 only. State that the pond is privately owned and maintained.
4. Per new department policy, include a section summarizing each step of the four step process for BMP Selection as identified in ECM Appendix I section I.7.2.
5. Include the Meadowlake Commons MDDP and the Heagler DBPS in the Reference Section.
6. Provide a cost estimate section for the proposed drainage improvements.
7. Drainage Maps:
 - a. Provide a legend on the drainage maps.
 - b. Show the location of the 24" CMP (MDDP DP A1) on the developed drainage maps and note the flow rates.
 - c. Include dimension labels for the Swale 'C' typical section in the Phase I drainage plan. Also, show the property line on the swale A & B typical sections. To identify the offset from the property line.
 - d. Include a runoff summary table and a pond summary table.

Grading & Erosion Control (GEC) Plan

1. Provide a cover sheet and revise the title from "Preliminary Grading Plan" to Grading and Erosion Control Plan. See Appendix E of the ECM for the GEC submittal checklist. Attached are the standard signature block and GEC notes that must be included in the plan set.
2. Move the utility plan and utility service plan sheets to the Site Development Plan set.
3. Update the existing contour linetype to match the legend.
4. Revise the construction limit phase line so it's clearly visible and include in the legend.
5. There seems to be a discrepancy between the drainage report and GEC plans. The drainage report notes overlot grading of the entire site with phase 1 while the GEC plans show a phased limit of construction. To clarify the limits of construction, provide grading plan sheets for phase 1 and 2.
6. Label the proposed contours.
7. Remove the directional arrows shown on the driveways or identify what they are on the legend.
8. Change the label to "Preservation line for future Judge Orr Road R.O.W.".
9. Adjust the property line label and section corner label so they are legible. Text overlap for the western boundary, and viewport crop along for the northern boundary and the southwest section label.
10. Add curve returns at the Honeywood Lane West/Judge Orr access point.
11. Clearly delineate the FEMA Zone A boundary.
12. Show the proposed pond grading and provide pond construction details.
13. Provide a typical drive isle cross section showing the inverted crown cross slope.
14. Provide a typical cross section for the grading along the western boundary in the vicinity of pods 15 to 25. The contour seems to show berm and swale. Identify the slopes, min/max depth of the proposed swale, and the lining of swale (grass, gravel, etc.). See DCM Table 10-4 for maximum velocities for earth channels with varied grass linings and slopes.

ESQCP

1. An Erosion and Stormwater Quality Control Permit (ESQCP) is required.
 - a. Per section 1.1 of the application form, include the following with the submittal for review: Financial Assurance Estimate Form, Stormwater Management Plan (SWMP), Operation and Maintenance Plan for any proposed permanent BMPs; and a signed Private Detention Basin/Stormwater Quality BMP agreement. See the attached template. The other items are required prior to the preconstruction meeting with PCD Inspections.
 - b. Under the Project Information specify that the ESQCP is for phase 1. A new ESQCP application will be required with each phase in the future.

Attached:

Standard Signature Blocks.doc

Standard GEC Plan Notes.doc

PDB-BMP Agreement Dev-OwnerUpdate – DIRECTOR APPROVAL.doc

PIKES PEAK REGIONAL BUILDING DEPARTMENT

Enumerations

The current address of 14010 Judge Orr Rd. should continue to be used as the address for the RV park since the existing residence will remain as the caretakers residence. Any new buildings constructed as part of this development which will require a building permit will be assigned separate addresses off of Judge Orr Rd. The individual camping spaces should not require separate addresses (unless the electric utility is requiring separate meters and addresses for each site) and should be assigned space numbers. It is Enumerations opinion that no interior

road names are needed. Nothing will be addressed from them and they are merely driveways to access the camp sites and storage facilities. Contact Connie Chavez at El Paso/Teller E911 (cchavez@elpasoteller911.org) Street Naming Department to determine if interior road names will be required and to submit a list of road names for approval if they are needed.

Floodplain

The extreme northeastern corner of this parcel contains FEMA identified approximate A-Zone floodplain area. The site development plan appears to show that any proposed structures in this area are outside of the floodplain area and therefore would not require a floodplain development permit. If, when plan are submitted for permit, it is determined that proposed structures do fall within the floodplain area, compliance with Regional Building Code section RBC313 will be required. Contact Floodplain Administrator Keith Curtis (Keith@pprbd.org, 719-327-2898) with questions or concerns regarding compliance with the floodplain code.

EL PASO COUNTY PUBLIC HEALTH DEPARTMENT

The proposed commercial RV Park includes, 174 occupied full and partial service RV pad sites; in addition, to open air RV and boat storage sites. Full and partial service sites are to be served with a potable water from individual yard hydrants according to the application. However, per the comments from CDPHE, "The Colorado Department of Public Health and Environment has reviewed the planning referral for the Judge Orr RV Park to be located Peyton, Colorado.. the proposed RV project appears to meet the definition of a public water system and has the ability to generate greater than 2,000 gallons per day of wastewater. The business must not begin construction of a new water system until the supplier completes and receives approval from the Colorado Department of Public Health and Environment for a capacity assessment (i.e. technical, managerial, and financial plan) and design plans and specifications for all waterworks." Therefore, the applicant must complete the State approval process for a public water system.

Comments from CDPHE continue: "In addition, the proposed business appears to have the capacity to generate greater than 2,000 gallons of wastewater per day. Wastewater treatment systems that have a design capacity to receive greater than 2,000 gallons per day are considered domestic wastewater treatment works. Domestic wastewater treatment works require state design review and approval in addition to state permitting prior to construction or discharge. The wastewater treatment system does not appear to fall within the jurisdiction of El Paso County for the approval of an OWTS as stated". A Colorado Registered Professional Engineer must evaluate the entire property for compliance with the Colorado Department of Public Health and Environment, Water Quality Control Division, Policy #6. This policy assures that the soil treatment areas associated with each OWTS meets the required setback from one another should the total wastewater flow rates equal or exceed 2,000 gallons per day (gpd). Compliance with WQCD Regulation #22 is required if compliance with WQCD Policy #6 is not possible. Information on these policies and regulations can be found at: <https://www.colorado.gov/pacific/cdphe/wqcd>

A permit to construct, alter, or repair an OWTS may be denied if a municipal or sanitation district sewer mainline exists within 400 feet, as measured by way of public access, or legal easement, to any part of the applicant's property, and if the municipality or district agrees to provide sewer service. EPCPH shall only approve an OWTS permit for a property that is subject to connection to sanitary sewer if all OWTS installation criteria can be satisfied, and the municipality or district agree to the OWTS installation. If, as a condition of service, an annexation of the property to a different political entity is required, connection to the community sewer is not required by EPCPH.

Per the El Paso County Land Development Code, Section 8.4.7 (10) (b) *Contaminate Levels to Meet Drinking Water Requirements* a finding of sufficiency in terms of water quality is required for well water use when more than 4 occupied lots are proposed on a site if the site does not meet the definition of a public water system.

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/airquality> for more information.

Kat McGarvy M.S., R.E.H.S. Environmental Health Specialist
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
719.578.3112
www.elpasocountyhealth.org

EL PASO/TELLER E-911

Please contact me to reserve road names for this project. The most of the names chosen do not follow road naming guidelines. My email is cchavez@elpasoteller911.org. The guidelines are on our website..here is the link: <http://co-elpasoteller911.civicplus.com/191/Street-Emergency-Number-Databases>

Connie Chavez, Street Naming
El Paso Teller County 911
elpasoteller911.org
719-785-1900

COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT

2nd Comment: The proposed RV project appears to meet the definition of a public water system and has the ability to generate greater than 2,000 gallons per day of wastewater. The business must not begin construction of a new water system until the supplier completes and receives approval from the Colorado Department of Public Health and Environment for a capacity assessment (i.e. technical, managerial, and financial plan) and design plans and specifications for all waterworks. In addition, the proposed business appears to have the capacity to generate greater than 2,000 gallons of wastewater per day. Wastewater treatment systems that have a design capacity to receive greater than 2,000 gallons per day are considered domestic wastewater treatment works. Domestic wastewater treatment works require state design review and approval in addition to state permitting prior to construction or discharge. The wastewater treatment system does not appear to fall within the jurisdiction of El Paso County for the approval of an OWTS as stated. Please contact the Water Quality Control Division for additional information.

1st Comment: The Colorado Department of Public Health and Environment has reviewed the planning referral for the Judge Orr RV Park to be located Peyton, Colorado and has no comments other than we recommend that the applicant comply with all state and federal environmental rules and regulations. This may require obtaining a permit for certain regulated activities before emitting or discharging a pollutant into the air or water, dispose of hazardous waste or engaging in certain regulated activities.

Please contact Kent Kuster at 303-692-3662 with any questions.

Kent Kuster
Environmental Specialist
Colorado Department of Public Health and Environment

COLORADO DEPARTMENT OF TRANSPORTATION

Our traffic engineers have reviewed the August 23, 2016 Letter of Amendment from LSC Transportation Consultants, Inc. and our October 11, 2016 comments remain valid;

- Although a right-turn deceleration lane from eastbound SH24 to eastbound Judge Orr Road is currently warranted based on the existing traffic volumes, such an improvement would be an unnecessary cost on the developer since the intersection is planned to be rebuilt at some point in the future.
- However, if a safety or operational issues are documents related to the proposed development, necessary highway safety improvements to SH24 will be required.
- Upon the future alignment of the previously approved SH24 Access Control Plan, a State Highway Access Permit will be required for the closure and re-alignment of the access with the future frontage road.

Additionally,

- On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Mark Nusskern at (719) 251-7830 for any questions regarding advertising devices.
- Any utility work within the state highway right of way will require a utility permit from CDOT. Information for obtaining a utility permit can also be obtained by contacting Mr. Nusskern.

Please contact me in Pueblo at (719) 562-5537 with any questions.

Andrew Lewis
Asst. Access Manager

UPPER BLACK SQUIRREL GROUND WATER MANAGEMENT DISTRICT

The Board of Directors of the Upper Black Squirrel Creek GWMD met last night and reviewed this administrative review for the Judge Orr RV Park (which is in the headwaters of the basin). File No. PPR-16-040.

As you know the management district for years has been concerned about OWTS. This is in an area that has a lot of alluvial wells in close proximity downstream and has an extremely high water table. The amount of sewage that will be generated by this wastewater and contamination to the alluvial aquifer is of concern. They will have to meet the management district's and, we believe the water quality control commission's alluvial water quality standard as has been upheld recently. The Board has a policy in our Rules where we encourage the uses of central (municipal) water and wastewater systems. This property is in proximity to both of those sources and we would like to strongly encourage that this property be required to connect to those systems. The proliferation of all these septic systems on our alluvial aquifer, and possible contamination to the bedrock aquifers at the point of contact, or ill sealed well heads downstream, is also a concern.

The Board is currently looking over the water sufficiency, and has reservations that the current supply of water is adequate for the current use or proposed future use. The current well is an old domestic well that was adjudicated commercial but is limited to 15 gpm.

We have sent this to our consultant for further review, and may have further comments regarding this.

Tracy Doran
Office Manager for the UBSCGWMD
520 Colorado Avenue, C
Calhan, Co 80808
719-347-0704 Office
719-494-4348 Cell
719-347-9423 Fax
www.upperblacksquirrelcreekwater.com

The following agencies have not provided review comments to-date:

County Attorney Office
State Engineer
Falcon Fire Protection District
El Paso County Sheriff

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.

If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.

When all the comments have been addressed and corrections made please submit the required documents as requested on the attached resubmittal matrix.

If you have any questions feel free to contact me at 719-520-6302.

Best Regards,

Raimere Fitzpatrick
El Paso County Planning and Community Development Department

cc: Gilbert LaForce, Engineering
File: PPR-16-040

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Amy R. Folsom, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Diana K. May
Kenneth R. Hodges
Steven A. Klaffky

MEMORANDUM

To: Dennis Hisey, Chair
Cc: Jeff Greene, County Administrator
From: Amy Folsom, County Attorney
Date: June 4, 2013
Re: Hearing on Designation of Areas and Activities of State Interest—Attorney client privileged communication

Recommended Outline for use by the Chair of the Board of County Commissioners

1. Chair: calls the meeting to order at 11:30 a.m.
2. County Attorney: reads both the 1041 item and the LDC item into the record from dais.
3. Chair: The purpose of this public hearing is to take testimony on, and consider the designation of, certain matters of state interest under House Bill 1041, a state statute granting authority to counties and municipalities to regulate certain land-use activities.
4. Chair: This hearing is also being held to consider certain amendments to the El Paso County land development code. These amendments are being recommended by the Department of Development Services staff to harmonize the County's land development code with the 1041 Regulations if they are adopted.
5. Chair: declares the public hearing on the matter under consideration to be "open." i.e, "I am now opening the public hearing on the proposed guidelines and regulations for various and activities of state interest of El Paso County and on the proposed amendments to the El Paso County land development code."
6. Chair: the Chair recognizes Dave Rose to introduce the matter on behalf of staff.
7. Chair: as a preliminary matter, and exercising the Chair's prerogative to determine the order and manner of the hearing, the Chair invites public comment from current and former County elected and appointed officials. *(This can obviously be modified to include those in attendance.)*
8. Chair: next recognizes Cole Emmons to ask that necessary exhibits be made a part of the hearing record (Emmons lists the exhibits and asks for them to be made part of the record.)
9. Chair: Announces the procedure to the public:



- We will take testimony from County staff and our special counsel to briefly describe the six chapters of the proposed Regulations, as well as the short set of proposed amendments to the County Land Development Code. *(County staff is indicating that the staff presentation will last no more than an hour. Given this, I recommend allowing Staff to conclude their comments before taking any public comment.)*
 - After the County staff testimony, we will take testimony from the public and other organizations that are here today. The Chair may exercise his prerogative to order public comments according to chapter and/or topic.
 - We will also introduce into the record any exhibits which any person testifying wishes to submit.
 - At the conclusion of the public testimony we will ask the County staff and special counsel to suggest any additional recommended amendments to the Regulations as a result of what we hear today.
 - We will take a short recess before reconvening the meeting to take action to allow Staff to prepare any necessary amendments directed by the Commissioners which are responsive to public comment.
 - We will reconvene after the recess and consider proposed amendments.
10. Chair: Invite County staff to make its presentation
 11. Chair: Invite public testimony. Again, the Chair may confine comments to particular chapters—i.e. “The Chair now invites public comment on Chapters 1 and 2.”
 12. Chair: Invite Commissioners give direction on proposed amendments.
 13. Chair: At the conclusion of the public comment and questions by Commissioners of Staff, call for a recess in order that Staff may prepare any proposed amendments responsive to public comment.
 14. Chair: Reconvene the meeting and invite staff to propose additional amendments.
 15. Entertain public comment on the proposed amendments only.
 16. Invite Commissioner questions and comments on the proposed amendments only.
 17. Chair: Declare the public meeting closed.
 18. Invite a Motion incorporating specific amendments.
 19. Motion to adopt Resolution No _____, Series 2013, a Resolution Adopting Guidelines and Regulations for Areas and Activities of State Interest of El Paso County
 20. Motion to adopt Resolution No _____, Series 2013, a resolution approving amendments to the El Paso County Land Development Code

21. Adjourn the meeting.

June 4, 2013

Board of County Commissioners
and
Mr. Jeff Greene, County Administrator
El Paso County
200 South Cascade Avenue, Suite 100
Colorado Springs, Colorado 80903

Re: Proposed 1041 Regulations

Dear Commissioners and Mr. Greene:

The Pikes Peak Regional Water Authority consists of the City of Fountain, the Towns of Monument and Palmer Lake, eleven special districts providing water and sewer service within El Paso County, and the county itself. Except for the county, PPRWA's members are all potentially regulated by the proposed 1041 regulation. We appreciate the issues the Commissioners face, and their desire to adopt the regulation to allow El Paso County to participate in decisions on large-scale projects with substantial land use impacts. There are many meritorious provisions in the regulation, including the revisions distributed late on May 31. We also appreciate that the county's schedule for adoption of the proposed regulations conforms to the statutory minimum criteria for notice and opportunity to respond.

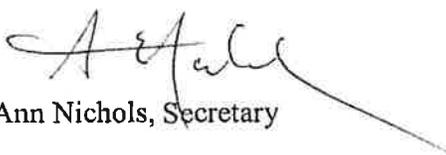
PPRWA requests, however, that the commissioners allow additional time prior to final consideration of the regulation. There is much to absorb in the proposal. For many of our members, the statutory minimum timeframe does not provide adequate opportunity for our staffs to review and discuss any possible comments with our own boards, let alone have a meaningful dialogue with your staff on clarifications or possible changes. We are unaware of any pressing need or proposed projects that would evade review if an additional 60 days were provided to work with our members and others.

Our members' concerns include possible exemption of small-impact public projects or projects within our members' boundaries, potentially different financial security requirements for public projects, elimination of overlapping or duplicate regulation, including coordination with approvals by the Colorado Department of Public Health and Environment, clearer definition of criteria for reuse and efficiency, and clearer definition of staff discretion. We believe many, if not all, of our concerns could be resolved given adequate time for our own consideration and discussion with your staff. PPRWA has enjoyed a good working relationship with the county. We believe the potential for continued cooperation and communication is greater if there is additional time to work with your staff than in the formal process of a hearing.

PPRWA, therefore, requests that, at the end of the June 6 hearing, you continue the matter for 60 days and plan to take additional testimony from El Paso County utilities at a second day of the hearing. PPRWA also requests that in the meantime, you direct your staff to convene a workshop (or attend one convened by PPRWA), inviting any governmental utilities in the county, to consider the concerns of in-county public entities.

Thank you for your consideration. Please contact me or our attorney, Rick Fendel, with any questions. We look forward to working together with you on this important matter.

Yours truly,
PIKES PEAK REGIONAL WATER AUTHORITY


Ann Nichols, Secretary

cc: PPRWA Board and membership
Richard Brown
Rick Fendel

El Paso County Proposed 1041 Regulations

Review and Summary of Concerns

Kent Holsinger and Alyson Gould, Holsinger Law, LLC

May 24, 2013

I. General Comments

The proposed regulations create a dual regulatory environment in many circumstances leading to additional red tape, costs and project delays. Rather than creating duplicitous requirements, in many instances, it may be better to simply require that the applicant be in compliance with existing or applicable laws. Better yet, the regulations should expressly provide for an exemption for development activities.

How do the 1041 regulations compare to the existing development process? I have real concerns that 1041 application requirements are so burdensome as to be impossible to meet or to require significant input from consultants in multiples technical areas (wildlife, groundwater, surface water, etc.) resulting in significant costs and delays. The applicant has the burden of proof. Given some incredibly technical criteria, it could be very burdensome and expensive (and in some cases nearly impossible) for the applicant to comply with the proposed regulations. While 1041 provides local governments can charge reasonable fees, the proposed regulations go so far as to require the cost of proceedings, including consultants, experts and attorneys (for the county) be provided at the expense of the applicant! Moreover, if an applicant were to challenge the county, the proposed regulations require the applicant to pay for the county's cost of defending against same.

Throughout the document, the regulations seem to empower the U.S. Fish and Wildlife Service (FWS) to have approval authority in instances that are outside of its statutory authority under the Endangered Species Act (ESA). For example, the regulations should clarify that consultation with the FWS is required only where there is a federal nexus.

Economic benefits from proposed activities are hardly mentioned, if at all. Many provisions of the proposed regulations seem to be akin to federal permitting under NEPA. This is not a good model to follow. Permit approvals or waivers could invite litigation from project opponents or environmental groups. For example, the county could be creating an invitation to lawsuits by environmental groups. Such a group may file suit against the county for granting a waiver or approving a permit. For example, WildEarth Guardians has relied upon state and local laws and regulations to file suit in California to prevent oil and gas development.

II. Statutory Concerns

The 1041 statutes provide for areas where local governments can be more restrictive than the statutes. Exemptions from 1041 authority are not one of those categories. In other

words, the county is being too restrictive in what it exempts from 1041 regulations. C.R.S. § 24-65.1-402(3). Other potential statutory violations are discussed below.

III. Specific thoughts and concerns on the proposed 1041 regulations:

1.103 Authority

FYI. Section 24-32-1111 has been repealed. o/c

1.105 Exemptions

(6) and (7) Some changes to projects may have positive impacts, particularly when compared to new development. Only changes that have negative impacts should require new permitting under 1041.

1.110 Definitions

(13) Mitigation. This could be defined too broadly.

(18) How can an applicant know when its application is “accepted” by the director for the purpose of calculating deadlines. It should be when it is submitted or they need to notify applicant of its receipt. receipt

(19) Delete “subsequent issuance of building or development permits” or this process could be virtually endless. No

1.203 Notice of Public Hearing, Mailing List, Publication

One must pay to get notices (annual fee and registration required) from the county

- Admin applic included. ?

1.205 Adoption of Designation and Regulations

(2) Add (e) the board should consider disadvantages of designations, including economic.

(4) It is recognized that the 1041 Regulations are layered on top of other requirements. Given that, how can development be “uncontrolled” as described herein?

2.105 Judicial Review

The regulations provide for only 30 days for judicial review. If the Colorado Rules of Civil Procedure provide for more time for judicial review, the county should mirror that timeframe. ✓

2.201 Pre-Application Procedure

(3) Does inviting review and comment from “other relevant agencies” invite unneeded controversy? Why solicit same from agencies like Colorado Parks and Wildlife? Not their role to be involved in local land use decisions even if under the precept of 1041 regulations. The criteria under this provision sound very site-specific rather than matters of “statewide” concern.

(5) Pre-Application Costs. Higher fees increase costs to developers which, in turn, increase costs to home buyers.

2.202 FONSI Determination

(1) Shouldn't the standard be significant adverse impacts to the state (rather than the county?) Timelines herein will increase the time required for project approvals resulting in potentially costly delays.

No

2.301 Permit Application

(1) What does it mean the developer has to comply when the activity is an integral part of a subdivision?

(4) Appreciate the concept of coordination with other permitting processes to be as efficient as possible.

2.302 Permit Application Fee and Costs

(1) Fees include compensation for the county's copying, mailings, publications, labor, overhead, retention of experts, consultants and attorneys. These costs could be huge!

(2) Additional billings to the applicant can follow.

(3) Applicant is to pay the legal fees and costs incurred by the County if the Applicant challenges the permit!

changed

(4) Appreciate that fees can be waived, but still....

2.303 Submission Requirements for All Applications: Waivers

This process could be improved. Waivers could be incredibly important in the event an exemption for development is not acceptable to the county. Can submission requirements mirror the existing development process?

yes -

(3) Is this the correct statutory citation for notification to mineral owners?

(14) Air Quality. This is very technical. How can applicant be expected to comply? Compliance could require analysis by paid consultants at significant expense to the applicant.

✓

(17) Groundwater Quality. This is very technical. How can applicant be expected to comply? Compliance could require analysis by paid consultants at significant expense to the applicant.

(18) Water Quantity. This is very technical. Strict compliance may not be possible even with paid consultants at significant expense to the applicant. What is the relevance of mapping CWCB instream flows? They are water rights administered in priority like any others. This section could be better served by a statement that applicant will comply with applicable Colorado water laws.

(19) Floodplains, Wetlands and Riparian Areas. Again, this is pretty technical. Compliance could require analysis by paid consultants at significant expense to the applicant.

(20) Terrestrial and Aquatic Animals and Habitat. Compliance with this section is likely impossible. Volumes can be written about the information requested herein. Further, this section grants more authority to the FWS than provided in the ESA. It should be revised to clarify consultation, when necessary, under the ESA.

(21) Terrestrial and Aquatic Plant Life. Same comment re the FWS. Could be resolved by addition of language "When required by the ESA, clearance letter or take permit for the Project issued by the FWS."

(22) Soils, Geologic Conditions and Natural Hazards. How does this compare to existing requirements?

(23) Hazardous Materials. How does this compare to existing requirements?

2.304 Simultaneous Processing of Other County Permits. Appreciate these provisions and any efficiencies that can be realized.

2.405 Review Criteria for All Applications. How does this compare to existing approval processes? The criteria listed sound like many reasons to say "no" to a project.

(8) **The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.** Some of these criteria are absurd, ie changes in instream flows or reservoir levels, "wilderness experience," etc.

(9) ...air quality. These technical standards could be difficult to assess and/or meet.

(10) ... visual quality. These technical standards could be difficult to assess and/or meet.

(11) ... surface water quality. It may be better to simply state the applicant will be in compliance with applicable laws.

Revised

(12) . . . groundwater quality. These technical standards could be difficult to assess and/or meet.

(17) Nuisance should be clarified to those that are legally recognizable.

2.501 Issuance of Permit; Conditions

The issuance of permits with conditions under these circumstances may be outside of 1041 statutory authority.

2.502 Term of Permit; Progress Reports. Permits may be issued for an indefinite term or a specific period of time. Periodic progress reports may be required. This could create uncertainty and progress reports could be burdensome.

2.505 Transfer of Permits. This could be onerous. It requires county approval to transfer rights.

2.507 Financial Security. This is another area that could be outside of the statutory authority of 1041 regulations. Applicants could lose financial assurances for future violations. How does this compare to existing requirements?

2.508 Revocation. There could be real Due Process concerns here. *no*

2.601 Enforcement and Penalties. This could be broader than 1041 statutory authority.

3.101 Designation of Activity of State Interest

Municipal and industrial water projects require 1041 permitting. Water projects are hard enough to permit now, why add another layer of regulations?

(5) “integrity of waterways, rivers and creeks” is too broad.

(7) and (8) This could complicate siting projects.

(9) This is broader than the ESA. Threats to any species could kill a permit?

(14) Appreciate recognition of private property rights and constitutional rights, but these principles should be recognized in the preamble and/or purpose of the 1041 regs too.

3.103 Definitions

(3) Municipal and industrial water project definition could be narrowed.

(5) Project or proposed project. This definition should allow for compartmentalizing projects to avoid the need for 1041 permitting.

3.104 Applicability.

(2)(a) material changes to existing projects should be allowed without a 1041 permit so long as they do not cause negative effects different than the existing project.

(b) changes in points of diversion, type or place of use of water, or yield all require water court and/or state engineer approval. Why duplicate the process?

(c) What about stock water?

(d) and (e) How about increasing the limit for municipal and industrial projects to 10,000 af per year? That is still a small project.

*everybody but CSU
city of 60,000*

3.201 Application Submission Requirements

(1) Again, descriptions of water use, stream losses, evaporation, etc. all have to be dealt with in SEO permitting and/or water court. Why duplicate?

(2) Map and description of other municipal and industrial water projects and providers... Compliance with this could take some time and investigation, but how does it compare to the existing process?

(3) Description of the water to be used by the Project and alternatives. Again, this sounds burdensome. How does it compare to existing requirements? Same comment for (4).

3.202 Review Criteria

(2) What does it mean that the Project shall emphasize the most efficient use of water, including recycling... Will all projects be required to have dual systems for potable water and grey water?? Same question for (b) recycling "to the greatest extent allowed by law."

State law

SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

4.101 Designation of Activities of State Interest

Even reoperation and extensions of existing systems are caught up in this category.

(3)(a) and (b) treatment levels of 2,000 gallons per day sound too low.

(4) Appreciate that it does not apply to extensions of water or sewer lines for which construction plans are part of subdivision development under LDC. **Could this concept be greatly expanded to exempt more development from the 1041 regulations?**

4.102 Purpose and Intent

Again, permitting wastewater and sewage treatment is likely difficult enough today. Why add to the burden?

4.201 Application Submission Requirements

How do these compare with existing requirements?

(4) Description of the water to be used is onerous as discussed in similar provisions above.

(5) Loss of Agricultural Productivity. Some of these issues could be burdensome as well.

4.202 Review Criteria

Same questions as posed above.

SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

Recognition of significant state and federal permitting already in place. Emphasis on air and water impacts to El Paso County, yet these are 1041 Regulations for “statewide” interests. Suggest Colorado Springs Utilities review and comment on this.

5.104 Applicability; Prohibitions

(2) OK to prevent transmission lines within 105 feet of current or proposed arterial or expressway??

FLOODPLAIN NATURAL HAZARD AREAS

6.104 Definitions

(1) The definition of “Development” could be construed to be so broad as to apply to anything.

(d) What are “adverse impacts to the natural habitat of a wetland animal and plant species?” This is broader than the ESA.

(e) Same comment as above for “aquatic species”

(f) Same comment on “significant wildlife habitat or adverse impacts to ...”

(g) Note that adverse impacts to conservation easements are illegal. By their nature, they cannot be developed so references to adverse impacts to conservation easements should be deleted.

no

(4) Floodplain definition is as broad as the EPA would like to enforce the Clean Water Act (ie application to dry wash channels and dry wash floodplains). Suggest deletion of those concepts.

6.201 Application Submission Requirements

(4) What does it mean that the applicant must show “adequate coordination” with upstream, downstream or adjacent persons or communities and organizations that might be adversely affected by any development... mean? This is an invitation to controversy.

How do the mapping requirements herein compare to existing requirements?

6.203 Review Criteria

Virtually any development activity could be construed to have negative impacts as described herein.

IV. Land Development Code Amendments

The county’s stated purpose in the background section to its notice of proposed amendments indicates major water, sewer and power utility projects are the primary concern. If so, exemptions for ongoing development should be expressly provided.

Given the review criteria in the 1041 Regulations, how does the county believe processing and decision times could be shorter than the current Approval of Location process and that they will not trigger the need for a public hearing? See Background section to land development code amendment notice.

REVISIONS TO LDC CHAPTER 5.3.3 APPROVAL OF LOCATION
FYI. Section 24-32-1111 has been repealed.

Mark Gebhart

From: Andre Brackin
Sent: Tuesday, June 04, 2013 9:52 AM
To: Dave Waldner
Cc: Barningham, Mike; Gerald E. Dahl; Mark Gebhart; Cole Emmons
Subject: Re: 1041 Guidelines and Regulations Updated Redline Version

Dave:

That sounds like a change I can support. Please put this in writing. We can also address this specifically at the hearing.

Andre' P. Brackin, P.E., MPA, County Engineer/Deputy Director, El Paso County Public Services Dept.

On Jun 4, 2013, at 9:48 AM, "Dave Waldner" <waldner-d@mvea.org> wrote:

> Andre,
>
> The main change request MVEA now has is that , that 2.303(17) and (18)
> be revised to address ground water and water quantity "relevant to the project"
> similar to the 2.303(16) requirement for surface water.
>
> Do you want this in a written for of a letter?
>
>
> Let me know.
>
>
> David Waldner
> Manager of Engineering
> Mountain View Electric Association
> 719-494-2675
>
>
> -----Original Message-----
> From: Andre Brackin [mailto:andrebrackin@elpasoco.com]
> Sent: Friday, May 31, 2013 6:17 PM
> To: Dave Waldner
> Subject: Fwd: 1041 Guidelines and Regulations Updated Redline Version
>
> Dave:
> Please find enclosed regs for June 6 BOCC hearing. Edits per your
> comments are found in Ch.5. Give me a call Monday at 339-3841 if you wish to discuss.
> Appreciate the input.
>
>
> Thanks,
>
> Andre' P. Brackin, P.E., MPA, County Engineer/Deputy Director, El Paso
> County Public Services Dept.
>
> Begin forwarded message:
>
> From: "Cole Emmons"
> <ColeEmmons@elpasoco.com<mailto:ColeEmmons@elpasoco.com>>
> To: "COM" <COM@elpasoco.com<mailto:COM@elpasoco.com>>, "Jeff Greene"
> <jeffgreene@elpasoco.com<mailto:jeffgreene@elpasoco.com>>, "Amy Folsom"
> <AmyFolsom@elpasoco.com<mailto:AmyFolsom@elpasoco.com>>
> Cc: "Dave Rose" <DaveRose@elpasoco.com<mailto:DaveRose@elpasoco.com>>,
> "Max Rothschild"
> <MaxRothschild@elpasoco.com<mailto:MaxRothschild@elpasoco.com>>,
> "Andre Brackin"
> <andrebrackin@elpasoco.com<mailto:andrebrackin@elpasoco.com>>, "Vicki

Tues pm 8:30-9:00

mons

Amy Folsom

Sent: Tuesday, June 04, 2013 4:30 PM
To: Dennis Hisey; Jeff Greene
Cc: Cole Emmons; Amy Folsom; 'GDahl@mdkrlaw.com'
Subject: Memo - 1041Hearing.doc
Attachments: Memo - 1041Hearing.doc

Comm. Hisey and Mr. Greene—

Attached please find a recommended "outline" for the important 1041 hearing set on Thursday, June 6, 2013. It is my opinion that following this recommended procedure satisfies due process requirements and at the same time provides meaningful participation to all who seek to be heard.

Please advise if you have questions or concerns. Absent different direction by you, Staff will be well prepared to follow this general guideline.

Amy Folsom

Cole Emmons

From: Gerald Dahl [GDahl@mdkrlaw.com]
Sent: Tuesday, June 04, 2013 1:36 PM
To: Cole Emmons; Mark Gebhart; Andre Brackin
Subject: testimony outline for June 6
Attachments: 06 06 13 Public Hearing presentation of HB 1041 Regs (3).docx

Attached, as promised. I have no investment in the assignment of speakers for the various items; feel free to switch things around. Also, the bullet points are just my idea of how to describe the significant points in the regs, generally following the order of the significant sections in each Chapter. If you think there is a better organization, that's great.

It seems to me we should think about how much time we want to take at the beginning of the hearing to do all of this. I am thinking no more than a half hour. This will require to do a little practicing to get our stuff into no more than 7-8 minutes apiece, based on 4 presenters.

Can someone forward this to Craig D.? I do not have his email.

Can we plan to peak briefly tomorrow am sometime to coordinate these items and to talk about any responses we have to the Tri-State comments? Obviously, at this point, we will just have to tell them that we will respond at the hearing, as we are pretty much out of time to do much more.

I suggest 10:15 am; I can call in to the conference room as I did today.

Gerald E. Dahl
gdahl@mdkrlaw.com
Direct: 303-493-6686
Murray Dahl Kuechenmeister & Renaud LLP
1530 16th Street, Suite 200
Denver, CO 80202
Phone: 303-493-6670
Fax: 303-477-0965
www.mdkrlaw.com

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**JUNE 6, 2013 PUBLIC HEARING
AREAS AND ACTIVITIES OF STATE INTEREST REGULATIONS
EL PASO COUNTY, COLORADO**

Chapter 1: Administrative Regulations

Jerry:

- Brief introductory remarks about HB 1041 generally and the structure of HB 1041 regulations (administrative chapters; then topic-specific chapters on matters of state interest).
- Emphasize the degree to which HB 1041 regulations are used to address matters not easily accomplished with traditional zoning and subdivision regulations.
- Describe the process for drafting regulations, notice and hearing on the regulations and their adoption.
- Section 1.104 (applicability) and Section 1.105 (exemptions) as establishing the outer parameters of what is governed by the designations generally.
- Refer to the existence of shorter applicability sections in each of the topic-specific chapters

Mark:

- Describe Section 1.106 and the relationship of the Regulations to other requirements, emphasizing the degree to which the location and review process in 30-20-110 is replaced by the 1041 process for those matters covered by 1041.
- Show flowchart you developed as a PowerPoint slide?

Chapter 2: Permit Regulations

Mark:

- Mention that the permit authority is the Board of County Commissioners
- Describe the pre-application and administrative approval process in Sections 2.201 and 2.202.
- Emphasize the narrowed scope of submission requirements for pre-applications, but that the review criteria in later chapters will apply.
- Mention that the May 31 redline contains amendments to the pre-application process suggested by the commentors, including an itemized accounting of expenses incurred by the County in the pre-application and administrative approval review.
- Emphasize that issuance of an administrative approval means that a permit is not necessary and the applicant need not go through any public hearing.
- Describe the process for reconsideration and appeal of an administrative appeal at 2.202 (5): that applicant may ask the director to reconsider and that the Director's refusal to change his decision on reconsideration is appealable to the Board.

Jerry:

- If an administrative approval is not granted then the full permit process at 2.301 applies
- Emphasize that the full permit process includes an application with submission requirements, which is reviewed at a public hearing by the Permit Authority against the review criteria in Section 2.405.

- Mention that the Director's decision not to waive the submission requirement is appealable to the County Administrator
- Discuss scope and nature of the submission requirements in Section 2.303 and the potential for a waiver from the Director of requirements which are unnecessary or irrelevant.
- Describe in general the review criteria at Section 2.405 as applying to all applications, but only to the degree they are relevant, in the Director's determination
- Mention that the individual topic-specific chapters have short lists of review criteria which apply in those circumstances

Mark:

- Describe the intention of Section 2.304 on simultaneous processing of other County permits (Mark)
- Briefly mention Article 5 on term of permits, renewal, transfer and financial security.
- Emphasize that the financial security provisions have been amended as a result of comments by reviewers to emphasize only the cost of mitigation and remediation if the project is not completed, not the cost of construction of the project itself.

Generally zoning and subdivision regulations do not provide an efficient means for the Board to evaluate the majority of projects.

Craig Dossey:

Chapter 3 efficient utilization of municipal and industrial water projects

- Generally describe the scope of this chapter, relying on the definition of municipal and industrial water projects in Section 3.103
- Describe the effect of Section 3.104 (applicability) which contains the 100 acre foot "cut off" for determining whether a project is subject to this chapter.
- Discuss generally the concerns which have led the County to consider designation of this activity of state interest: large municipal and industrial water projects have widespread effects on residents of the County, and cross many different zone districts. The County's current zoning and subdivision regulations are not well designed to deal with these impacts.
- Further, the location and review procedure at C.R.S. 30-20-110, only allow a recommendation from the Planning Commission, which may be overruled by the governing body of the municipal utility. This denies the County and its Board of County Commissioners effective representation of the citizens.

Review criteria

- In addition to general review criteria, chapter 3 includes the following additional criteria (p. 46)

Mark:

Chapter 4: site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems

- Elected officials do not have the ability to weigh in on projects of this type within their districts or within the County as a whole.

- Describe the specific activities that are included within this designation and for which permits are required, primarily at Section 4.101.
- Emphasize that the 2000 gallon per day cut off is (generally) the same cutoff as in the land use code presently.
- Remind the listeners that one of the main reasons for this designation is to allow the Board of County Commissioners an actual voting role in connection with these projects, rather than the advisory role that 30-28-110 only permits to the planning commission.

- Perhaps give examples of the kinds of facilities that require a permit and the kinds that would not under this designation
- Emphasize the effect of the pre-application and administrative approval steps in significantly reducing the degree to which a facility under this particular chapter would need to go to full BOCC permit hearing review.
- You may wish to briefly describe the importance of the review criteria.

Mark and Andre:

Chapter 5: site selection and construction of major facilities of a public utility

- Describe the scope of what is covered by this particular designation in terms of the kinds of facilities involved: transmission lines, power plants, substations, pipelines and storage areas of utilities.
- Andre to describe the specific scope of the regulations as applied to transmission lines: (1) within 105 feet of a County Road (unless perpendicularly crossing the same), and (2) elsewhere in the County (115 kv)

Andre:

- Mention the ability of utility to obtain a permit under the engineering criteria manual for a transmission or pipeline within the right-of-way.

Mark:

- Mention that a permit is not required for repair and replacement activities described in Section 5.104 (3), which language was suggested to us by MVREA.

Andre:

Chapter 6: floodplain natural hazard areas

- Handwritten note: "copy" with a bracket pointing to the list below.*
- Describe this is the designation of an area of state interest, rather than an activity of state interest as the prior three chapters
 - Describe that for a designated area of state interest, it is construction development generally in that area that is regulated, not a specific activity.
 - Emphasize that, here, development is more narrowly defined, and the area is also more narrowly defined, on maps which are attached as Exhibit D.
 - Describe the definition of development contained in the regulations: includes both public and private construction activity
 - Described the map said Exhibit D
 - Describe the concerns which give rise to this particular designation [best described in Section 6.103 subsections (1-8).]
 - Emphasize that to be subject to this chapter, development must increase storm water discharge in volume, quantity, duration or frequency at any point on the maps, in a manner that varies predevelopment conditions in an amount greater than the limits established at Section 6.15(3)
 - Take the listeners through the step-by-step process established in 6.105(3); refer to your flowchart.

- If not already accomplished, described MDDP process and the fact that in most cases, the existing MDDP will result in administrative approval and eliminate the need for a full permit hearing.

Mark:

Land development code amendments

- Describe the LDC amendments per your prior memo.
- Emphasize that the LDC processes which will not be required to the extent 1041 permit process is required
- Other changes merely coordinate and harmonize the LDC with the 1041 regulations