TO: **El Paso County Planning Commission**
Brian Risley, Chair

FROM: **Gabe Sevigny, Planner II**
Beck Grimm, EI Engineer I
Craig Dossey, Executive Director

RE: **Project File #: SP-18-001**
Project Name: Rollin Ridge Estates Preliminary Plan
Parcel Nos.: 61270-00-064 and 61270-00-065

OWNER:	**REPRESENTATIVE:**
TC&C, LLC Carl Turse, MM 17572 Colonial Park Drive Monument, CO 80132	PJ Anderson 31 N Tejon St, Suite 500 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	7/2/2019
Board of County Commissioners Hearing Date	7/23/2019

EXECUTIVE SUMMARY

A request by TC&C, LLC, for approval of a preliminary plan of 57 acres within the RR-2.5 (Residential Rural) zoning district to create sixteen (16) single family lots, a tract for storm water quality and detention, a tract to be held for future commercial development, and right-of-way. The 57 acre property is currently zoned RR-5 (Rural Residential). 48.84 acres of the overall area are proposed to be included within this preliminary plan and are proposed to be zoned RR-2.5 (Residential Rural) pursuant to a concurrently reviewed map amendment (rezone) request, and 5.3 acres out of the remaining 8.14 acres are proposed to be zoned pursuant to the concurrently reviewed Rollin Ridge

PUD (Planned Unit Development) map amendment (rezone) request. The concurrent PUD rezoning request proposes to create three (3) commercial lots for future development. The property is located at the southwest corner of the Hodgen Road and Highway 83 intersection and is within Section 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado.

The preliminary plan meets the submittal and review criteria for a preliminary plan as well as the general development standards of Chapter 6, the preliminary plan review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Individual wells and onsite wastewater treatment systems (OWTS) are proposed for lots within the subdivision. A finding of water sufficiency is requested with this preliminary plan request.

Five (5) deviations are requested with this application. The deviations are from the standards of the El Paso County Engineering Criteria Manual (ECM).

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by TC&C, LLC, for approval of a preliminary plan of 57 acres within the RR-2.5 (Residential Rural) zoning district to create sixteen (16) single family lots, a tract for storm water quality and detention, a tract to be held for future commercial development, and right-of-way.

Waiver(s)/Deviation(s): The following deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) (2016) have been administratively approved by the ECM Administrator:

1. Deviation from the standards of Section 2.3.2, Design Standard by Functional Classification of a Rural Minor Arterial roadway. The applicant has submitted a deviation requesting a design and posted speed of 30 miles per hour, a minimum centerline radius of 350 feet, a 6 foot outside paved shoulder, and two commercial access locations. The ECM requires a Rural Minor Arterial roadway to have a design and posted speed of 60 and 55 miles per hour, respectively, a minimum centerline radius of 1,505 feet, a minimum 10 foot paved shoulder, and access is typically not permitted. The deviation is for the proposed Cherry Crossing Drive from Hodgen Road to the south commercial access location. The pavement design of the Rural Minor Arterial roadway will be required to meet the standards of the ECM. The deviation was requested for administrative approval due to constraints on the size of the development and the fact that the road is a dead end. This deviation was approved by the ECM Administrator on May 16, 2019.

2. Deviation from the standards of Section 2.3.2, Design Standard by Functional Classification of a Rural Minor Arterial roadway. The applicant has submitted a deviation requesting intersection spacing of 360 feet. The ECM requires intersection spacing of at least 1,320 feet for a Rural Minor Arterial roadway. The requested spacing is for the proposed Cherry Crossing Drive between Hodgen Road and the proposed Prayer Tree Trail. The deviation was requested for administrative approval due to constraints on the size of the parcel. This deviation was approved by the ECM Administrator on May 13, 2019.
3. Deviation from the standards of Section 2.3.7.E, Intersections – Turn Lane Design. The applicant has submitted a deviation for an abbreviated turn lane length of 250 feet. The ECM requires a total length of 530 feet for a design speed of 60 mph. The requested turn lane length is for a continuous northbound right turn lane at the intersection of the proposed Cherry Crossing Drive and Hodgen Road. The deviation was requested for administrative approval due to the design standards of a Rural Minor Arterial roadway, which is not consistent with the proposed Cherry Crossing Drive. This deviation was approved by the ECM Administrator on May 16, 2019 since the first deviation allowed for a reduced design speed of 30 mph. The minimum required turn lane length for a design speed of 30 mph is 235 feet, which the proposed design would meet.
4. Deviation from the standards of Section 2.3.7.E, Intersections – Turn Lane Design. The applicant has submitted a deviation for an abbreviated turn lane length of 350 feet. The ECM requires a total length of 444 feet for a design speed of 45 mph and 3% downgrade. The requested turn lane length is for a westbound left turn lane on Hodgen Road at the proposed Cherry Creek Drive intersection. The deviation was requested for administrative approval due to the constrained distance for back-to-back left turn lanes between the intersection of Hodgen Road/Highway 83 and Hodgen Road/Cherry Crossing Drive. This deviation was approved by the ECM Administrator on May 16, 2019.
5. Deviation from the standards of Section 2.3.2, Design Standards by Functional Classification of a Rural Principal Arterial roadway. The applicant has submitted a deviation for intersection spacing of 900 feet. The ECM requires an intersection spacing of 2,640 feet for a Rural Principal Arterial roadway. The requested intersection spacing is for Hodgen Road between Highway 83 and the proposed Cherry Crossing Drive. The deviation was requested for administrative approval due to constraints on the size of the parcel. This deviation was approved by the ECM Administrator on May 13, 2019.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:
Recommendation:
Waiver Recommendation:
Vote:
Vote Rationale:
Summary of Hearing:
Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a preliminary plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North:	PUD (Planned Unit Development)	Residential
South:	RR-5 (Residential Rural)	Residential
East:	PUD (Planned Unit Development)	Vacant
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The property was zoned A-4 (Agricultural Farming) on January 4, 1955, when zoning was initially established for this area of the County. Due to changes of the nomenclature of the El Paso County Land Development Code, the A-4 (Farming) zoning district has been renamed as the RR-5 (Residential Rural) zoning district.

The current property configuration as a 5.13 acre parcel and a 51.87 acre parcel were created by a boundary line adjustment (EXBL-11-001) that was deposited in 2011. The current configuration is proposed to change, with approval of this preliminary plan application and anticipated subsequent final plat approval(s).

F. ANALYSIS

1. Land Development Code Compliance

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2019).

2. Zoning Compliance

The applicant is requesting, via a concurrently reviewed application, to rezone 48.84 acres within the proposed preliminary plan to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

- Minimum lot size - 2.5 acres
- Minimum width at the front lot line - 200 feet
- Setbacks - 25 in the front and rear, 15 on the sides
- Maximum height - 30 feet
- Maximum Lot Coverage- None

A residential site plan will be required for all lots prior to building permit authorization to ensure all proposed structures will meet the setback and height requirements of the RR-2.5 zoning district.

The applicant is also concurrently requesting a Planned Unit Development (PUD) application for 5.3 acres of the subject property located in the northeast corner of this preliminary plan, which is labeled on the proposed preliminary plan as “Hold for Future Development.” If the PUD map amendment (rezoning) request is approved, then commercial zoning of the area will be governed by the PUD, which means that it will dictate the use, density and dimensional standards for that area of the development. A commercial site development plan will be required for any lots within the proposed PUD zoning districts prior to any construction activities in order to ensure all proposed structures will meet the setback, height, lot size, and use allowances of the PUD Development Plan.

The proposed preliminary plan is in compliance with the RR-2.5 (Residential Rural) zoning district. All proposed lots within the RR-2.5 zoning are a minimum of 2.5 acres. Tract A is depicted as a non-buildable tract for drainage detention and Tract B, consisting of 5.33 acres, is planned for future development and are in compliance of the concurrent application for a PUD (Planned Unit Development).

3. **Policy Plan Analysis**

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

> ***Policy 6.1.3-*** *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*
>
> ***Policy 6.1.5-*** *Support the development of well-planned mixed used projects which promote all, or most, of the following objectives:*
>
> - *Maximize the economy and efficiency of land use*
> - *Preserve open space or natural areas*
> - *Integrate employment, housing, shopping, schools, and other use*
> - *Accommodate multi-modal transportation linkages*
> - *Allow for variations in design and character*
>
> ***Policy 6.1.8-*** *Encourage incorporation of buffers or transitions between areas of varying use or density where possible.*
>
> ***Policy 6.1.11-*** *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*
>
> ***Policy 6.2.7-*** *Utilize the PUD (Planned Unit Development) zone district approach to allow for the accommodation of neighborhood-oriented design features.*

The concurrently reviewed PUD (Planned Unit Development) map amendment (rezoning) is being proposed for a commercial node that will contain uses that are neighborhood-oriented. The additional requirements for open space and screening from the existing and proposed residential zoning districts are included within the PUD Development Plan.

The concurrently reviewed map amendment (rezoning) to RR-2.5 (Residential Rural) for property directly adjacent to the subject property to the south, west and southwest, is adjacent to RR-5 (Residential Rural) zoning to the west and south and Planned Unit Development (PUD) to the north and east.

Within one (1) mile of the subject property is additional RR-2.5 (Residential Rural) zoned property in the Jackson Ranch development, and within two (2) miles of the subject property are higher density zoning districts of RR-0.5 (Residential Rural) in the Walden III Subdivision and RS-2000 (Residential Suburban) in the Pleasant View Subdivision.

This preliminary plan application along with the concurrent application for a PUD (Planned Unit Development) and a map amendment (rezone) collectively comprise a mixed use development that promotes the efficiency of land use, preservation of open space, and which integrates employment, housing, and shopping.

The development of these parcels pursuant to the RR-2.5 (Rural Residential) zoning district and the proposed PUD (Planned Unit Development) is a logical extension and density transition from the existing development in this area and is compatible in terms of uses and densities.

4. Small Area Plan Analysis

The subject property is located within the Tri-Lakes Comprehensive Plan (2000). The Plan states, "The primary purpose of this Plan is to function as the overall guidance document of the County Master Plan for the Tri-Lakes Planning Area. It should be relied on by the Planning Commission and the Board of County Commissioners for guidance, direction and expectations concerning broader land use planning issues including growth management, compatibility, land use equity, property rights, and service standards." (page 4)

> **Policy 7.1.9** *Carefully consider the environmental, visual, economic, and land use impacts of new development and, where possible, incorporate, mitigate, and buffer or visually screen adjacent land uses that differ in type and density.*
>
> **Policy 7.1.13** *Carefully consider land uses in or near transitional zones to ensure the orderly progression between uses of differing types and densities.*
>
> **Policy 7.1.14** *Encourage carefully-planned residential development that is consistent with adjacent developments in the unincorporated Planning Area.*
>
> **Policy 7.1.17** *Support implementation of landscaped buffers and/or mutually-agreed upon transitional uses between zones of differing land uses and densities. This might address differing uses such as a proposed*

industrial, office or commercial use locating adjacent to an established residential subdivision, and/or differing residential densities.

The proposed preliminary plan along with the concurrently reviewed PUD (Planned Unit Development) and map amendment (rezone) include a proposed one-hundred (100) foot "no build" area along the south boundary line and a seventy-five (75) foot "no build" area along the west boundary line to provide a transitional zone from the higher density proposed as one (1) dwelling unit per 2.5 acres from the one (1) dwelling unit per 5 acres. The PUD (Planned Unit Development) is proposing a landscape buffer of 15 feet between the residential uses and the commercial uses. The proposed buffer is internal and shall be located within the boundaries of the commercial uses.

The proposed PUD development plan identifies one lot for a convenience store and the other two lots as planned for three structures with parking is provided for each use, and an in-line retail center with shared parking.

The proposed preliminary plan is in compliance with the Tri-Lakes Comprehensive Plan (2000).

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards, with exception to the potential wildlife impacts, were identified in the review of this application.

A soils and geology report was prepared by Entech Engineering, Inc. on November 24, 2017. This report indicated Tract "B" as an area of seasonally shallow ground water, and Tract "A", Tract "B", Lots 1, 3, 10, 11, 12, and 16 as area of potentially seasonally shallow ground water. I Geology statement identifying these area of concern has been placed on the preliminary plan.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. **Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0285G shows that the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

4. **Drainage and Erosion**

The property is located primarily within the West Cherry Creek (CYCY0400) drainage basin; however, the southwest corner of the property is located within the Smith Creek (FOMO40000) drainage basin. The West Cherry Creek drainage basin is an unstudied and no fee basin. The Smith Creek drainage basin has been studied and basin fees, as determined by the final drainage report, will apply at the time of final plat.

A preliminary drainage report is included with this submittal to identify and provide mitigation for drainage impacts to the surrounding properties. The preliminary drainage report proposes full-spectrum detention to maintain developed runoff at or below historic rates and treat for water quality capture volume. No public drainage improvements will be required.

5. **Transportation**

The proposed access to the site is located on Hodgen Road and the proposed Cherry Crossing Drive. All proposed roads will be public and dedicated to El Paso County for maintenance. A traffic impact study is included with this submittal to identify traffic impacts and mitigation. The traffic impact study concluded that the Level of Service (LOS) for the intersection of Hodgen Road and Cherry Crossing Drive will be at an LOS D or better. Public roadway improvements to Hodgen Road include auxiliary turn lanes.

Rollin Ridge subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

H. SERVICES

1. **Water**

Sufficiency:

Quality: Sufficient
Quantity: Sufficient
Dependability: Sufficient

Attorney's summary: The County Attorney's Office has provided a recommendation regarding a finding of sufficiency for water quantity and dependability. El Paso County Public Health also made a recommendation for a finding of sufficiency in terms of water quality. The State Engineer's Office has provided an opinion that water supply can be provided without causing injury.

2. **Sanitation**
   Individual onsite wastewater treatment systems (OWTS) are proposed to serve the development. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. **Emergency Services**
   The property is within the service area of Donald Wescott Fire Protection District. The district was sent a referral but no comments were received. The District provided a letter of commitment dated December 15, 2017, for the Rollin Ridge Estates development, including the Rollin Ridge Office/Commercial Center.

4. **Utilities**
   Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

5. **Metropolitan Districts**
   The property is not within a metropolitan district.

6. **Parks/Trails**
   Fees in lieu of park land dedication will be due at the time of recording the final plat(s). Regional park fees (Region 2) in lieu of land dedication in the amount of $6,880.00 shall be paid at the time of final plat recordation.

7. **Schools**
   The site is within the boundaries of Lewis-Palmer School District No. 38. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Lewis-Palmer School District 38 at time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

Approval	Page 25
Disapproval	Page 26

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues with this application.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.

2. Applicable school and park fees shall be paid with each final plat.

3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified fifteen (15) adjoining property owners on June 13, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer’s Letter
County Attorney’s Letter

El Paso County Parcel Information

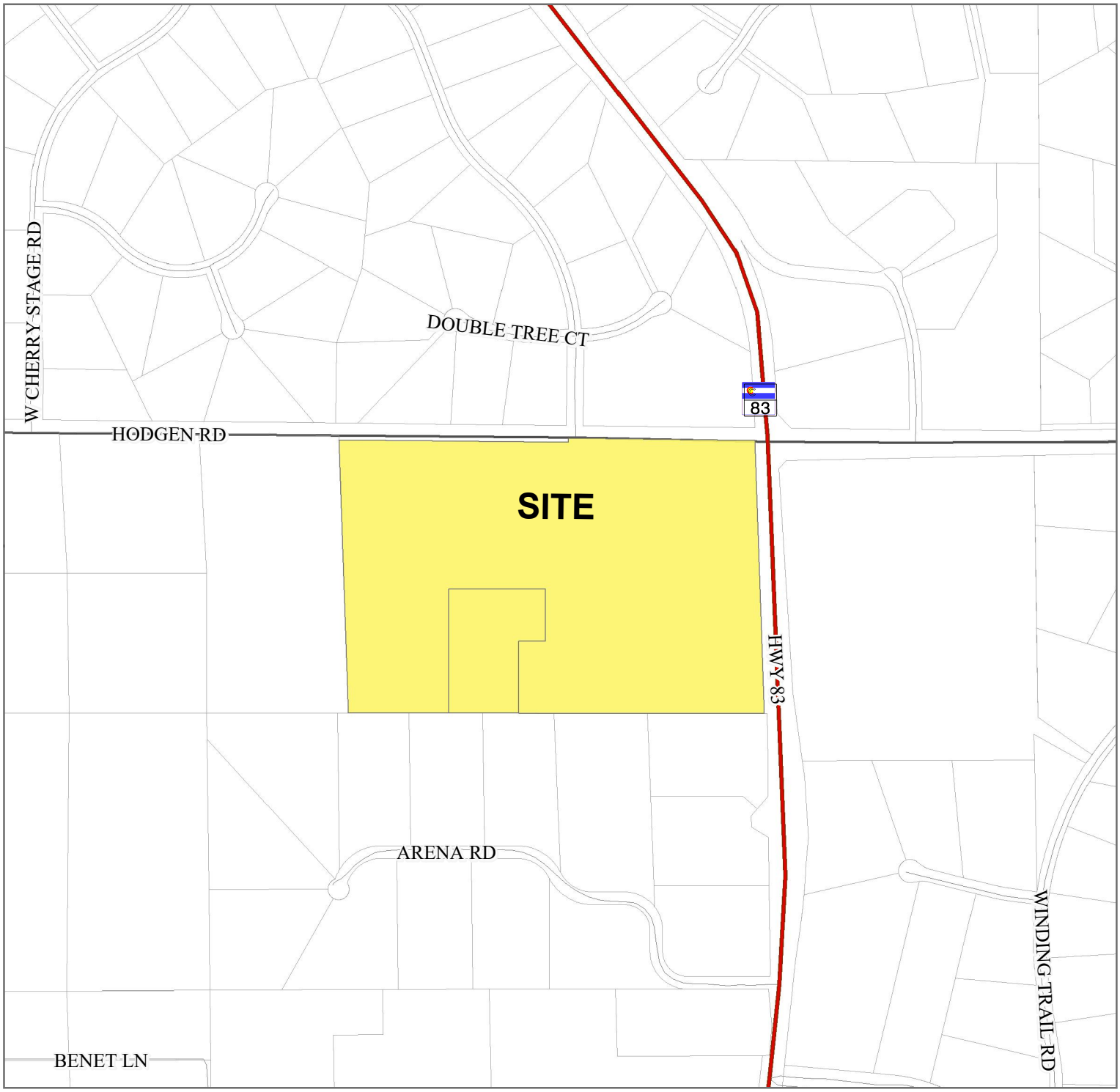
File Name: SP-18-001/PUD-18-003

Zone Map No. --

Date: June 7, 2019

PARCEL	NAME
6127000064	TC&C LLC
6127000065	TC&C LLC

ADDRESS	CITY	STATE	ZIP	ZIPLUS
17572 COLONIAL PARK DR	MONUMENT	CO	80132	2209
17572 COLONIAL PARK DR	MONUMENT	CO	80132	2209



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600

N W E S

COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

ROLLING RIDGE
LETTER OF INTENT
PRELIMINARY PLAN

Owners/Applicants: TC&C, LLC
Carl Turse, Managing Member
17572 Colonial Park Drive, Monument, Colorado 80132

Consultants: Land Resource Associates
David Jones
9736 Mountain Road, Chipita Park, Colorado 80809
(719) 684-8413

P. J. Anderson
31 North Tejon Street, Suite 500
Colorado Springs, Colorado 80903
(719) 331-2732
Email: pja5713@gmail.com

Engineering: JPS Engineering
19 East Willamette Avenue
Colorado Springs, Colorado 80903
(719) 477-9429
www.jpsengr.com

Entech Engineering, Inc.
505 Elkton Drive
Colorado Springs, Colorado 80907
(719) 531-5238

ERO Resources Corporation
1842 Clarkson Street
Denver, Colorado 80218
(303) 830-1188

LSC Transportation Consultants, Inc.
545 East Pikes Peak Avenue, Suite 210
Colorado Springs, Colorado 80903
(719) 633-2868

Petrock & Fendel, PC
700 17th Street, Suite 1800
Denver, Colorado 80202
(303) 534-0702

Site Location: Southwest corner of Colorado Highway 83 and Hodgen Road. El Paso County Tax Schedule Nos. 61270-00-064 & 61270-00-065. Addresses: 16390 Highway 83 and 3285 Hodgen Road, Colorado Springs, CO 80921

Request: Request by TC&C, LLC for approval of a preliminary plan to develop sixteen single family residential lots at a minimum of 2.5 acres each, a 0.76 acre drainage detention Tract A and a 5.53 acre Tract B to be held for future commercial development (collectively the "Property").

Site and Plan Information/Justification for Request:

The proposed preliminary plan is consistent with the goals and objectives set forth in the 2000 Tri-Lakes Comprehensive Plan and the 1987 Black Forest Preservation Plan Update. In addition, there has been a significant change in circumstances since the original zoning of this property as well as the dates of the two Comprehensive Plans.

Preliminary Plan. Sixteen single family residential lots each containing a minimum of 2.5 acres, a 0.76 acre drainage detention Tract A and a 5.35 acre Tract B to be held for future development are proposed. The Property falls within Sub-Area 8 – West Cherry Creek of the 2000 Tri-Lakes Comprehensive Plan. The recommendations for the Property, as shown in the Concept Plan for this Sub-Area, Map 7.1, are High Density and Medium Density residential with a commercial node geared toward the needs of local residents shown at the northeast corner of the Property located at the intersection of Highway 83 and Hodgen Road. While neither residential density term appears to be specifically defined, lots containing a minimum of 2.5 acres are believed to be consistent with the Plan.

An important objective of the Tri-Lakes Plan is to *"carefully consider the environmental, visual, economic, and land use impacts of new development and, where possible, incorporate, mitigate, and buffer or visually screen adjacent land uses that differ in type and density"*. Objective 7.1.9, p. 70.

Buffering/Mitigation:

South: The property to the south contains five acre lots. In order to meet the above objective, there are only five Rolling Ridge lots adjoining the five existing platted lots to the south. In addition, the Rolling Ridge plan provides a 100' deep "no construction disturbance" buffer adjoining the existing lots. This buffer will be designated as an easement on the plat and included in the HOA documents. This results in a setback of 100 feet versus the standard 25 feet in the RR-2.5 Zone. These five lots, which contain the 100 foot no construction disturbance easement, result in an average lot size of 3.4 acres.

West: There is a 20 acre unplatted parcel containing one single family residence to the west of the Property. The Tri-Lakes Plan indicates that 2.5 acre development would be recommended in this location and current market conditions would indicate that if developed, the property would likely contain 2.5 acre lots compatible with the adjoining Cherry Creek Crossing subdivision to the north and the proposed Rolling Ridge Subdivision. The minimum building setback for lots adjoining the westerly property line has been increased from the required 25' to 75'.

North: The land to the north, Cherry Creek Crossing, is zoned PUD and contains 110 2.5 acre residential lots and PUD commercial. The properties are separated by the 180' wide Hodgen Road right of way minimizing adjoining impacts. In addition, the adjoining land uses are similar to those proposed requiring no impact mitigation.

East: There is a 40 acre PUD privately owned open space parcel separated from the Property by the 180 foot wide Highway 83 right of way. Because of the elevated Highway 83 and lower topography, the Property is not visible from the majority of the 40 acres. In addition, the open space land use is not incompatible with the proposed RR-2.5 land uses.

Existing House/structures: At the time the applicant purchased the Property in 2016 there was an existing single family house that has since been modernized on the inside and restuccoed. The house currently meets and will meet all future zoning, subdivision and related Land Development Code requirements. A metal barn and three horse sheds, approximately 60 years old, were considered fire hazards and unsightly and have been removed.

The sixteen single family lots and Tracts A and B will be subject to a comprehensive set of Covenants, Conditions and Restrictions and owners' associations. Among other things, the owners' associations will be responsible for ensuring compliance with the plan for augmentation for use of the Dawson aquifer groundwater.

Tracts A and B. As noted above, the Tri-Lakes Comprehensive Plan indicates the northeast portion of the Property as: "potential location for commercial uses which are specifically geared toward the needs of local residents." The Plan recommends coordination with the land use policies of the Black Forest Preservation Plan which also suggests commercial nodes along Highway 83 at the intersection of Hodgen Road. In addition to the buffering/mitigation objective cited above, the Plan objectives applicable to this PUD request, are:

"Encourage well planned commercial and office park development that incorporates unified site design and traffic circulation planning. Conversely,

discourage strip-type commercial and office development that has adjoining parking lots." Objective 7.1.7, p. 70

"Carefully consider the impacts of new development on the integrity and carrying capacity of the roadway system." Objective 7.1.10, p. 70

"Recognize SH-83 as a major north-south corridor and support land uses that do not cause traffic impedance, deceleration, or delays, as outlined in the Transportation Section." Objective 7.1.12, p. 70

"Discourage requests for speculative commercial zoning and land uses." Objective 7.1.5, p. 70

General: In addition to the sixteen residential lots, the Preliminary Plan contains two tracts. Tract A is a 0.76 acre parcel intended to facilitate a drainage detention facility which will handle developed flows for both the single family and office/commercial portions of the Property. Tract B is a 5.35 acre parcel planned to facilitate 35,000 square feet of mixed commercial and office uses with supporting parking and vehicular circulation. Tract B is identified on the Preliminary Plan as "Hold for Future Development". Separate approval requests for rezoning to PUD and a PUD Development Plan for Tract B have been submitted to the County illustrating:

Building locations, heights, use and related areas
Vehicular circulation and parking
Pad grading and drainage
Preliminary subdivision of lots
Well and septic locations
Landscape features

Upon approval of the zone change and PUD Development Plan requests and the securing of actual building tenants, the applicant will submit a final plat and Site Development Plan applications for approval. The Site Development Plan applications will include:

Final building architecture
Dimensional site plan
Final grading and drainage plan
Final utility plans
Final grading and drainage plan
Final landscape development plan

The final plat and Site Development Plans will be processed in accordance with standard County review processes. The intent of the PUD Development Plan is to verify the feasibility of the proposed development program.

Vehicular Access, Parking and Circulation: Two vehicular access points are provided onto Cherry Crossing Court, a 60' right of way, a County owned and maintained roadway. Cherry Crossing Court accesses Hodgen Road, a 180' County principal arterial roadway. No access to Highway 83 is being requested. Interior vehicular circulation will be provided by 30' wide asphalt driveways located within 34' wide vehicular access easements. Interior driveways, as well as parking and landscaped areas, will be maintained by the Tract B Owners' Association. Vehicular parking will be provided in accordance with the El Paso County Land Development Code requirements and will be measured on an individual building requirement basis.

Grading and Drainage: Tract B falls approximately 44 feet from east to west. A walkout building architectural concept has been developed in order to accommodate this significant change in grade. Buildings are single story on the uphill side of the grade and two stories on the downhill side of the grade. A side benefit of this type of architecture provides for a much more interesting and varied building façades while strengthening the non-strip center approach. Pursuant to the El Paso County Land Development Code and the Engineering Criteria Manual, permission from the Board of County Commissioners to commence grading upon approval of the Preliminary Plan is respectfully requested.

Development Phasing: The phasing of individual building construction on Tract B will depend upon market demand and tenant requirements. The developer anticipates full buildout to be completed over a five to eight year period.

Water: Water will be provided by individual wells. A Ruling of the Referee was recently entered in Case No. 17CW3076 approving a plan for augmentation for use of Dawson aquifer groundwater for residential and commercial use for 300 years.

Criteria for Approval - Land Development Code Section 7.2.1(D)(2)(e):

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.* For the reasons stated above, the preliminary plan is consistent with the objectives of both the Tri-Lakes

- Comprehensive Plan (Map 7.1- Tri-Lakes Area Concept Plan) and the Black Forest Preservation Plan.
- *The subdivision is in conformance with the purposes of this Code.* For the reasons state herein, the subdivision is consistent with each of the purposes of the Code set forth in Section 1.4. of the Code.
- *The subdivision is in conformance with the subdivision design standards and any approved sketch plan.* Other than a technical deviation request necessitated by the previously approved location of the Cherry Crossing Court/Hodgen Road intersection, the subdivision is in conformance with all design standards contained in the El Paso County Land Development Code and Engineering Criteria Manual.
- *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code.* As evidenced in the Water Supply Report and the findings in Case No. 17CW3076 approving a plan for augmentation for use of the Property's groundwater, this standard has been met.
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions {CRS 30-28-133(6)(c)}.* The recommendations contained in the subdivision's geologic and soils reports have been incorporated into the preliminary plan and this standard has been met.
- *Adequate drainage improvements complying with State law {CRS 30-28-133(3)(c)(VIII)} and the requirements of this Code and the ECM are provided by the design.* The drainage improvements incorporated into the subdivision's design documents meet or exceed this requirement.
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.* No waivers or deviations to the Code or ECM are being requested. This requirement has been met.
- *The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost of effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive*

areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities. For the reasons stated above, including the buffers and the placement of five single family lots adjacent to the five single family lots to the south, as well as the numerous other design features incorporated into the plans for this subdivision, these requirements have been met.

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.* Police services will be provided by the El Paso County Sheriff's Department and fire protection by the Donald Wescott Fire Protection District which has provided a letter of commitment. The subdivision is located in the service areas of Mountain View Electric Association and Black Hills Energy (natural gas) which have both provided commitment letters. For the reasons stated herein, these requirements have been met.
- *The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.* A Wildfire Hazard Mitigation Report was prepared for the subdivision addressing the criteria in Chapter 6. This report, in turn, incorporates the Community Wildfire Protection Plan adopted by the Donald Wescott Fire Protection District.
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.* To the best of applicants knowledge, all applicable sections of Chapters 6 and 8 of the Land Development Code have been met.

Districts Serving the Property:

Academy School District 20
Mountain View Electric Association
Donald Wescott Fire Protection District
Black Hills Energy

Requested Deviations

The Rollin Ridge Preliminary Plan application contains 4 requests for deviations to the El Paso County Engineering Criteria Manual. In general, these deviation requests include:

Deviation No. 1 – This deviation request is to allow a Rural Minor Arterial with the following modified design elements for the proposed Cherry Crossing Drive south of Hodgen Road and north of the south commercial access: Allow a design speed of 30 mph and a posted speed of 30 mph; a minimum centerline radius of 350'; allow a six foot outside paved shoulder instead of an eight foot paved shoulder; and intersection spacings of 360' and 295' instead of one-quarter mile.

Deviation No. 2 – The ECM-prescribed intersection spacing along a Rural Minor Arterial is one-quarter mile spacing. This deviation request is to allow a spacings of 360 and 295 feet instead of the ECM-prescribed one-quarter mile spacing. These spacings are for Cherry Crossing Drive between Hodgen Road and the proposed north commercial access and between the proposed north commercial access and the south commercial access.

Deviation No. 3 - This deviation request is to allow abbreviated northbound right turn deceleration lane (160-foot-long lane) and lane taper (60-foot-long taper) at the intersection of Cherry Crossing Drive & Hodgen Road.

Deviation No. 4 - This deviation request is to allow abbreviated (shorter than ECM standard) westbound left-turn lane and taper lengths on Hodgen Road at the Cherry Crossing Drive intersection.

PRELIMINARY PLAN
ROLLIN RIDGE ESTATES

EL PASO COUNTY, COLORADO

TC & C, LLC 17572 COLONIAL PARK DRIVE MONUMENT, CO 80132-2209

STANDARD PLAN NOTES:

1. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING & COMMUNITY DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCE REPORT; WASTEWATER DISPOSAL REPORT.
2. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
3. UNLESS OTHERWISE INDICATED, ALL SIDE AND REAR LOTS WILL BE PLATTED WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL FRONT PROPERTY LINES WILL BE PLATTED WITH A 15 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES WILL BE PLATTED WITH A 30 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
4. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS RELATED TO THE LISTED SPECIES IDENTIFIED IN THE PROJECT'S ENVIRONMENTAL ASSESSMENT.
5. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
6. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND US POSTAL SERVICE REGULATIONS.
7. EXCEPT AS OTHERWISE NOTED ON THE PRELIMINARY PLAN, INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.2.2.C.3. DUE TO THEIR LENGTH, SOME OF THE DRIVEWAYS WILL NEED TO BE APPROVED BY THE DONALD WESCOTT FIRE PROTECTION DISTRICT.
8. BUILDING SETBACKS FOR FRONT, SIDE AND REAR YARDS - 25' UNLESS OTHERWISE INDICATED ON THE PRELIMINARY PLAN

DEVELOPMENT NOTES:

1. TRACT A - PRIVATE OPEN SPACE AND DRAINAGE DETENTION IS TO BE OWNED AND MAINTAINED BY THE OFFICE/COMMERCIAL AREA PROPERTY OWNERS ASSOCIATION AND SUBJECT TO APPROPRIATE DETENTION POND AND BMP MAINTENANCE AGREEMENTS.
2. THE DEVELOPER INTENDS TO PAY SCHOOL FEES IN LIEU OF LAND DEDICATION AND TO PAY REGIONAL PARK FEES IN LIEU OF LAND DEDICATION.
3. "NO-BUILD AREAS": NO PERMANENT DWELLING UNIT, WATER WELL OR WASTEWATER TREATMENT SYSTEM MAY BE CONSTRUCTED IN "NO-BUILD AREAS" INDICATED ON THIS PRELIMINARY PLAN INCLUDING ANY PERMANENT STRUCTURE, TEMPORARY STRUCTURE, SHED, FENCE AND OUTBUILDING. DRAINAGE FACILITIES AND UNDERGROUND UTILITIES DRAINAGE FACILITIES AND UNDERGROUND UTILITIES LOCATED WITHIN PLATTED PLATTED EASEMENTS ARE ALLOWED WITHIN THIS AREA.
4. THERE SHALL BE NO DRIVEWAY ACCESS ONTO HIGHWAY 83 OR HODGEN ROAD.
5. WATER TO BE PROVIDED VIA INDIVIDUAL ON SITE WELLS OPERATED THROUGH A STATE APPROVED WATER REPLACEMENT PLAN.
6. WASTE WATER TO BE INDIVIDUAL ON SITE SEPTIC SYSTEMS.
7. THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY MOUNTAIN VIEW ELECTRIC ASSOC SERVICE DISTRICT, THE DONALD WESCOTT FIRE PROTECTION DISTRICT, THE LEWIS-PALMER SCHOOL DISTRICT NO. 38 AND THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT.
8. THE PROPOSED METHOD OF GUARANTEEING FUNDS SHALL BE APPROVED BY AND ACCEPTABLE TO THE EL PASO COUNTY ATTORNEYS OFFICE
9. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO ROAD IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM (RESOLUTION NO. 12-382) , AS AMENDED, AT THE TIME OF BUILDING PERMIT APPLICATION.
10. ALL ROADWAYS AND DRAINAGE FACILITIES LOCATED WITHIN DEDICATED COUNTY RIGHT-OF-WAYS SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND SHALL BE OWNED AND MAINTAINED BY EL PASO COUNTY.
11. THE LANDSCAPED MEDIAN AT THE SOUTH SIDE OF THE INTERSECTION OF HODGEN RD. AND CHERRY CROSSING DR WILL REQUIRE BOCC AGREEMENT AND APPROVAL AT THE TIME OF FINAL PLAT APPROVAL.

WILDLAND FIRE INFORMATION

AT THE TIME OF APPROVAL OF THIS PROJECT, THIS PROPERTY IS LOCATED WITHIN THE DONALD WESCOTT FIRE PROTECTION DISTRICT, WHICH HAS ADOPTED A FIRE CODE REQUIRING RESIDENTIAL FIRE SPRINKLER REQUIREMENTS FOR STRUCTURES OVER 6000 SQUARE FEET IN SIZE, AND OTHER FIRE MITIGATION REQUIREMENTS DEPENDING UPON THE LEVEL OF FIRE RISK ASSOCIATED WITH THE PROPERTY AND STRUCTURES. THE OWNER OF ANY LOT SHOULD CONTACT THE FIRE DISTRICT TO DETERMINE THE EXACT DEVELOPMENT REQUIREMENTS RELATIVE TO THE ADOPTED FIRE CODE. DUE TO WILDFIRE CONCERNS, HOMEOWNERS ARE ENCOURAGED TO INCORPORATE WILDFIRE FUEL BREAK PROVISIONS AS RECOMMENDED BY THE CSFS AND ILLUSTRATED THROUGH PUBLICATIONS AVAILABLE THROUGH THE CSFS.

GEOLOGY STATEMENT

PORTIONS OF THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE SOILS, GEOLOGY, HAZARD AND WASTE WATER STUDY FOR THE ROLLIN RIDGE SUBDIVISION BY ENTECH ENGINEERING DATED NOV 24, 2017

AREAS OF SEASONALLY SHALLOW GROUND WATER: TRACT "B"

AREAS OF POTENTIALLY SEASONALLY SHALLOW GROUND WATER: TRACT "A", TRACT "B", LOT 1, LOT 3, LOT 10, LOT 11, LOT 12 AND LOT 16

PROPERTY OWNERS

TC&C, LLC
CARL TURSE, MANAGING MEMBER
17572 COLONIAL PARK DRIVE
MONUMENT, CO 80132

EL PASO COUNTY PARCEL NUMBERS

PARCEL NO. 6127000065 - PARCEL A
PARCEL NO. 6127000064 - PARCEL B

DEVELOPMENT DATA

SINGLE FAMILY LOTS - 16 LOTS - 44.9 AC (79%)
TRACT B - OFFICE/COMMERCIAL - 5.3 AC (9%)
(SEE PUD DEVELOPMENT PLANS)
ROW DEDICATION (HWY 83 & HODGEN) - 3.3 AC (6%)
INTERIOR ROAD ROW - 2.8 AC (5%)
TRACT A - DRAINAGE - 0.7 AC (1%)

TOTAL - 57.0 AC

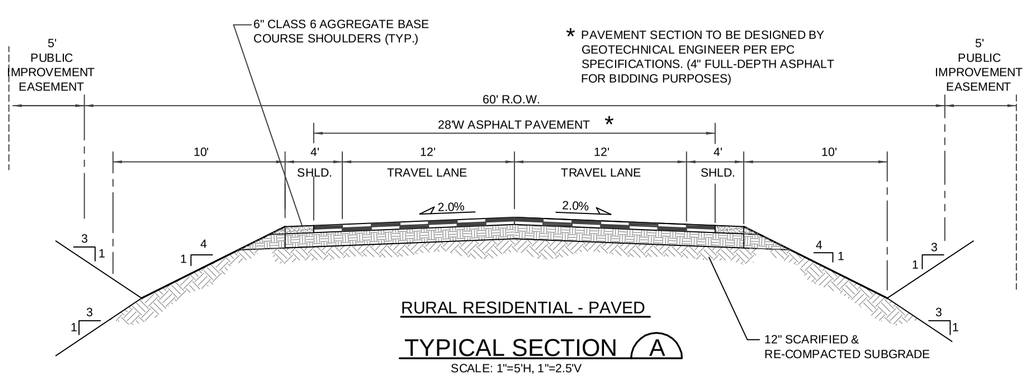
AVE LOT SIZE - 2.8 AC
MIN LOT SIZE - 2.5 AC
GR DENSITY (LESS OFFICE/COMM) - 1 LOT / 3.21 AC

DEVELOPMENT CRITERIA (SINGLE FAMILY LOTS)

DRAINAGE & UTILITY EASEMENTS
(UNLESS OTHERWISE INDICATED)
FRONT - 15'
SIDE - 10'
REAR - 10'

MAX. BUILDING HEIGHT - 30' (AS MEASURED PER EL PASO CO LDC)

BUILDING SETBACKS
(UNLESS OTHERWISE INDICATED)
FRONT - 25'
SIDE - 25'
REAR - 25'
* - INDICATES AN INCREASED BUILDING SETBACK DUE TO HWY 83 NOISE MITIGATION REQUIREMENTS - SEE LSC REPORT



TYPICAL SECTION A
SCALE: 1"=5'H, 1"=2.5'V

VICINITY MAP
NO SCALE
NORTH

PRELIMINARY PLAN LEGAL DESCRIPTION

PARCEL NO. 6127000064 (SEE SHEET NO. 2)

LEGAL DESCRIPTION – PARCEL "B" (TITLE POLICY PARCEL 3)
ROLLIN RIDGE ESTATES

That portion of the North Half of the North Half of Section 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County Colorado described as follows:

Basis of bearings is the north line of said Section 27, monumented at its west end with a 3 ¼ inch aluminum cap stamped with PLS 17496 and at its east end with an illegible 3 inch brass cap. Said line bears S 88 degrees 54 minutes 14 seconds E, 5264.06 feet.

Commencing at the northwest corner of said Section 27;

1. thence S 88 degrees 54 minutes 14 seconds E, along the north line of said Section, 1974.02 feet to the northwest corner of the East Half of the Northeast Quarter of the Northwest Quarter of said Section 27;
2. thence S 0 degrees 06 minutes 40 seconds E, along the west line of said East Half, 50.04 feet to the southwest corner of a parcel described at Reception number 206076668, said point also being the point of beginning of the parcel to be described;
3. thence S 0 degrees 06 minutes 40 seconds E, continuing along the west line of said East Half, 1262.73 feet to the south line of said North Half of the North Half, said line being coincident with the north line of Rollin' Ridge Rancheros;
4. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 443.60 feet;
5. thence N 0 degrees 00 minutes 00 seconds W, 585.28 feet;
6. thence N 90 degrees 00 minutes 00 seconds E, 454.78 feet;
7. thence S 0 degrees 00 minutes 00 seconds E, 247.11 feet;
8. thence N 90 degrees 00 minutes 00 seconds W, 127.15 feet;
9. thence S 0 degrees 00 minutes 00 seconds E, 340.99 feet to said south line;
10. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 1212.80 feet to a ½ inch inside diameter iron pipe at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 27, also being the westerly right of way line of State Highway No. 83:
11. thence N 0 degrees 34 minutes 12 seconds W, along said right of way line, 393.03 feet to the most southerly corner of a parcel described in Book 2035 at Page 536;
12. thence N 2 degrees 29 minutes 28 seconds W, along the west line of said parcel. 870.43 feet to the south line of the north 30 feet of said Section 27;
13. thence N 88 degrees 54 minutes 17 seconds W, along the south line 856.46 feet to the northeast corner of a parcel described at Reception number 206076666;
14. thence S 1 degree 05 minutes 43 seconds W, along the east line of said parcel, 20.00 feet to the southeast corner thereof;
15. thence N 88 degrees 54 minutes 17 seconds W, along the south line of said parcel, 430.09 feet to the west line of said Northwest Quarter of the Northeast Quarter and the southeast corner of said parcel described at Reception number 206076668;
16. thence N 88 degrees 54 minutes 17 seconds W, along the south line of said parcel, 658.10 feet to the point of beginning.

PRELIMINARY PLAN LEGAL DESCRIPTION

PARCEL NO. 6127000065 (SEE SHEET NO. 2)

LEGAL DESCRIPTION – PARCEL "A" (TITLE POLICY PARCEL 1)
ROLLIN RIDGE ESTATES

That portion of the North Half of the North Half of Section 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado described as follows:

Basis of bearings is the north line of said Section 27, monumented at its west end with a 3 ¼ inch aluminum cap stamped with PLS 17496 and at its east end with an illegible 3 inch brass cap. Said line bears S 88 degrees 54 minutes 14 seconds E, 5264.06 feet.

Commencing at the northwest corner of said Section 27;

1. thence S 88 degrees 54 minutes 14 seconds E, along the north line of said Section, 1974.02 feet to the northwest corner of the East Half of the Northeast Quarter of the Northwest Quarter of said Section 27;
2. thence S 0 degrees 06 minutes 49 seconds E, along the west line of said East Half, 1312.77 feet to the south line of said North Half of the North Half, said line being coincident with the north line of Rollin' Ridge Rancheros;
3. thence S 89 degrees 30 minutes 26 seconds E, along said south line, 443.60 feet to the point of beginning of the parcel to be described;
4. thence N 0 degrees 00 minutes 00 seconds W, 585.28 feet;
5. thence S 90 degrees 00 minutes 00 seconds E, 454.78 feet;
6. thence S 0 degrees 00 minutes 00 seconds E, 247.11 feet;
7. thence N 90 degrees 00 minutes 00 seconds W, 127.15 feet;
8. thence S 0 degrees 00 minutes 00 seconds W, 340.99 feet to said south line;
9. thence N 89 degrees 30 minutes 26 seconds W, along said south line, 327.64 feet to the point of beginning.

LRA
LAND RESOURCE ASSOCIATES
9736 MOUNTAIN RD.
CHIPITA PARK, CO 80809
719-684-2298

ISSUED FOR:
COUNTY REVIEW

project number

computer file

issue date
DEC 18, 2017

drawn by
DFJ

checked by

revisions
MAY 2, 2018
JUL 8, 2018
OCT 29, 2018
JAN 22, 2019
MAR 14, 2019

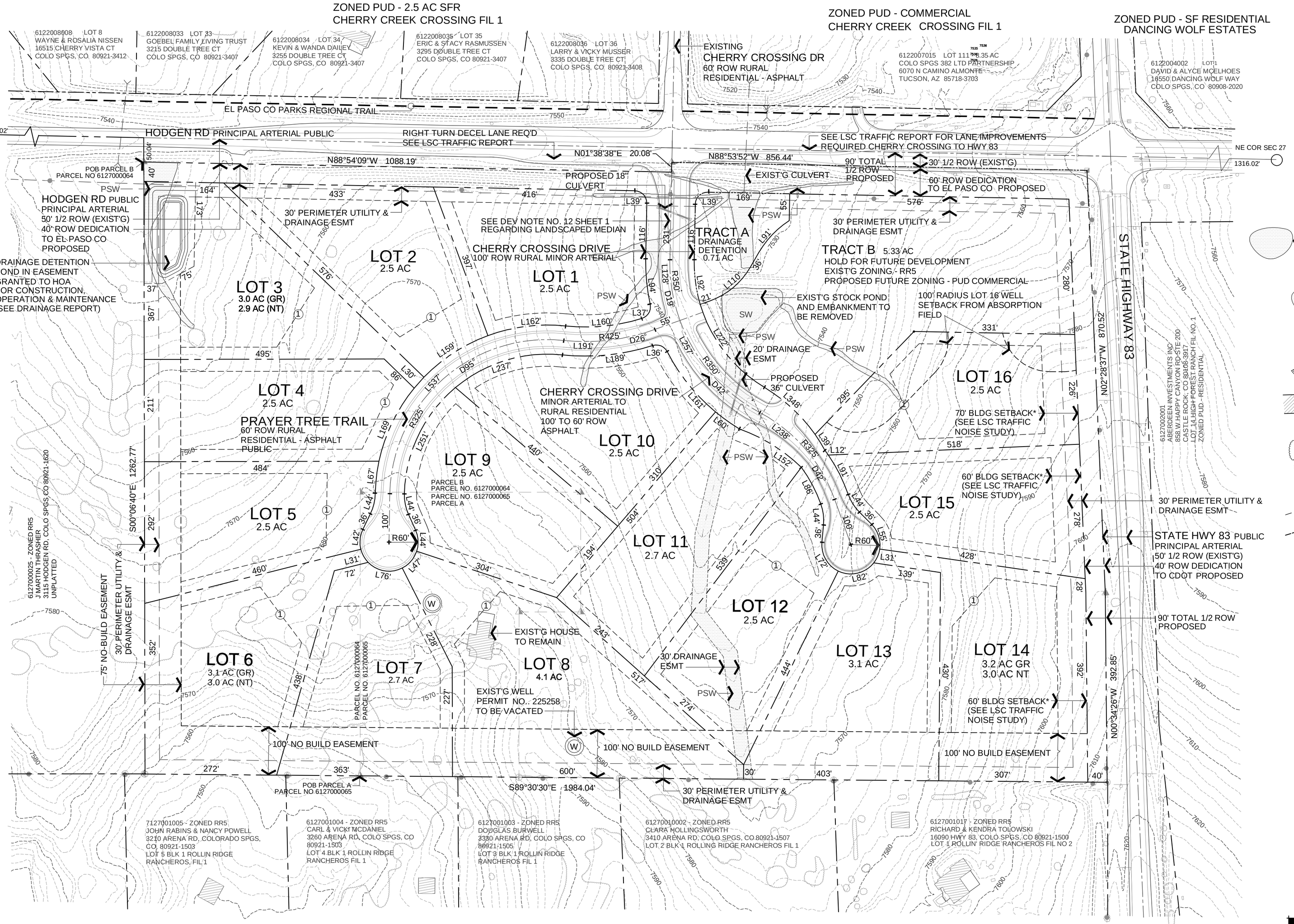
sheet number
1 OF TWO

P&CD PROJECT NO.
SP18-001

PRELIMINARY PLAN
ROLLIN RIDGE ESTATES

EL PASO COUNTY, COLORADO

TC & C, LLC 17572 COLONIAL PARK DRIVE MONUMENT, CO 80132-2209



PLAN SYMBOLS

INDICATES FRONT YARD BUILDING SETBACK AT 200' MIN. LOT WIDTH

PSW — INDICATES SOILS THAT ARE POTENTIALLY SEASONALLY WET - SEE ENTECH ENG SOILS & GEOLOGIC HAZARDS REPORT FOR MITIGATION REQUIREMENTS

SW — INDICATES SOILS THAT ARE SEASONALLY WET - SEE ENTCH ENG SOILS & GEOLOGIC HAZARDS REPORT FOR MITIGATION REQUIREMENTS

PROPOSED CULVERT - SEE PREL. DRAINAGE PLAN AND REPORT FOR SIZING REQUIREMENTS

EXISTING STRUCTURES, SHEDS AND OUTBUILDINGS TO REMAIN AT THIS TIME

INDICATES AREAS OF TREE COVER AND INCREASED LEVELS OF WILDFIRE HAZARDS

25' BUILDING SETBACK (TYP)

NORTH

CONT. INT. - 2'
SCALE 1"=100'

0' 50' 100' 150' 200'

LRA
LAND RESOURCE ASSOCIATES
9736 MOUNTAIN RD.
CHIPITA PARK, CO 80809
719-684-2298

ISSUED FOR: COUNTY REVIEW

project number

computer file

issue date: DEC 18, 2017

drawn by: DFJ

checked by

revisions: MAY 5, 2018; JUL 8, 2018; AUG 26, 2018; SEP 06, 2018; OCT 16, 2018; OCT 24, 2018; DEC 28, 2018; JAN 22, 2019; FEB 4, 2019; MAR 14, 2019

sheet number: 2 OF TWO

P&CD PROJECT NO. SP18-001

COLORADO
Division of Water Resources
Department of Natural Resources

John W. Hickenlooper
Governor

Robert Randall
Executive Director

Kevin G. Rein, P.E.
Director/State Engineer

March 21, 2018

Raimere Fitzpatrick
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Rollin Ridge Estates Preliminary Plan
Part of the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼, Section 27, T11S, R66W, 6th P.M.
Water Division 1, Water District 8 & Water Division 2, Water District 10

Dear Mr. Fitzpatrick,

We have reviewed the submittal documents related to Rollin Ridge Estates Preliminary Plan, concerning the above referenced proposal to subdivide a 57 acre parcel into 16 single-family residential lots (minimum 2.5 acres per lot) and three commercial lots.

Water Supply Demand

Estimated water requirements were not provided for this development. If the proposed uses for the lots are different than those allowed by the augmentation plan described below an amended water supply plan must be submitted for further review.

Source of Water Supply

The proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in the consolidated case in Division 1 Water Court Case no. 17CW3076 and Division 2 Water Court Case no. 17CW3027.

The there are two existing wells on the property with well permit nos. 81767-F and 81768-F. These wells are constructed in the Dawson aquifer and operate pursuant to the decreed augmentation plan in Division 1 Water Court Case no. 17CW3076 and may withdraw 0.55 acre-foot/year for ordinary household purposes inside one single family dwelling and the irrigation of not more than 3,500 square-feet of home lawns, gardens and trees.

The decreed augmentation plan in Division 1 Water Court Case no. 17CW3076 allows for the annual withdrawal of 13.2 acre-feet from the not nontributary Dawson aquifer for 16 individual lots, based on a 300 year allocation approach. The augmentation plan states the ground water allocation for each residential lot is 0.55 acre-feet per year for 300 years, which will be used for in house use (0.35 acre-feet), irrigation of 3500 square-feet of lawn, garden and trees (0.2 acre-feet) and 4.4 acre-feet shall be used for in building commercial use (4 acre-feet) and irrigation of 7000 square-feet of lawn, garden and trees (0.4 acre-feet).

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this **allocation** approach, the annual amounts of

water decreed in consolidated case no. 17CW3076 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

> "- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision."

Applications for on lot well permits, submitted by entities other than the water court Applicants must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

The applicant should be aware that any storm water detention structure proposed for this location and extent, must meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, in order for the structure to be exempt from administration by this office. The applicant should review DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged

to use Colorado Stormwater Detention and Infiltration Facility Notification Portal, located at https://maperture.digitaldataservices.com/gvh/?viewer=cswdif, to meet the notification requirements.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Amy R. Folsom, County Attorney

First Assistant County Attorney
Diana K. May

Assistant County Attorneys
M. Cole Emmons
Lori L. Seago
Diana K. May
Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman

July 11 2018

SP-18-001 Rollin Ridge Estates
(Preliminary Plan)

Reviewed by: Lori L. Seago, Senior Assistant County Attorney LS
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by TC&C, LLC, Carl Turse, Managing Member ("Applicant") for approval of a preliminary plan to subdivide approximately 57 acres of land into 16 single family residential lots, plus 1 tract for future commercial development. The property is currently zoned RR-5 (Rural Residential) with a concurrent proposal to change zoning to RR-2.5 (Rural Residential) on 48.84 acres and PUD (Planned Unit Development) on 8.17 acres

2. The Applicant has provided for the source of water to derive from individual on-lot wells withdrawing from the not nontributary Dawson aquifer, pursuant to the groundwater decreed in Case No. 08CW164 (Division No. 1). Pursuant to the Water Supply Information Summary and correspondence from Petrock & Fendel, P.C., the Applicant estimates its annual water requirements for 16 lots as follows: household use and irrigation at 8.8 acre-feet per year total (0.35 acre-feet/lot for in-house use, plus 0.2 acre-feet/lot for irrigation). Applicant also estimates its annual water requirements for the commercial tract at 4.4 acre-feet per year total (4.0 acre-feet for in-building commercial use and 0.4 acre-feet for irrigation) for a total water demand of 13.20 acre-feet for the subdivision. Applicant will need to provide a supply of 3,960 acre-feet of water (13.20 acre-feet /year x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated March 21, 2018, the State Engineer's Office reviewed the proposed water supply for this preliminary plan. The State Engineer's Office indicates that the proposed source of water for the subdivision is the Denver Basin with the water

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485
COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

supply withdrawing from the Dawson aquifer operating pursuant to the plan for augmentation decreed in Consolidated Water Court Case Nos. 2017CW3076 (Division No. 1) and 2017CW3027 (Division No. 2) ("Decree"). The following chart delineates the available water supply pursuant to the groundwater decreed in Case No. 08CW164.

Aquifer	**Annual amount available for the 57 acre parcel**	
	100 year allocation	***300 year allocation***
Dawson (NNT)	44.34 a/f	14.78 a/f
Denver (NNT)	54.82 a/f	18.27 a/f
Arapahoe (NT)	22.72 a/f	7.57 a/f
Laramie–Fox Hills (NT)	16.99 a/f	5.66 a/f

The Engineer noted that the "decreed augmentation plan in Division 1 Water Court Case no. 17CW3076 allows for the annual withdrawal of 13.2 acre-feet from the not nontributary Dawson aquifer for 16 individual lots, based on a 300 year allocation approach. The augmentation plan states the ground water allocation for each residential lot is 0.55 acre-feet per year for 300 years ...and 4.4 acre-feet shall be used for in building commercial use ... and irrigation...." The Engineer notes further that "there are two existing wells on the property identified as well permit nos. 81767-F and 81768-F" operating pursuant to the augmentation plan. The existing wells "may withdraw 0.55 acre-foot/year for ordinary household purposes inside one single family dwelling and the irrigation of not more than 3,500 square-feet of home lawns, gardens and trees." The Engineer also advised that applications for permits submitted by "entities other than the water court Applicants must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application."

Finally, pursuant to C.R.S. § 30-28-136(1)(h)(I) and (II), the State Engineer's Office stated that "it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

4. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

5. Plan for Augmentation. The Decree in Consolidated Water Court Case Nos. 2017CW3076 (Division No. 1) and 2017CW3027 (Division No. 2) provides a plan for augmentation permitting the withdrawal of 13.20 acre-feet per year for over 300 years and no more than 3,960 acre-feet total of not nontributary Dawson aquifer groundwater. Water to be used for augmentation are return flows from the not nontributary Dawson aquifer.

The Decree requires the Applicant, its successors and assigns, to reserve and dedicate to the plan for augmentation, 2,272 acre-feet of nontributary Arapahoe aquifer groundwater and 1,699 acre-feet of nontributary Laramie-Fox Hills aquifer groundwater for the purpose of replacing post-pumping depletions.

The Court ruled that withdrawal of up to 13.2 acre-feet per year and no more than 3,960 acre-feet total from the Dawson aquifer will not result in material injury to vested water rights pursuant to the provisions of the decreed plan for augmentation.

6. Analysis. The Court decreed a permitted withdrawal of 13.2 acre-feet of water annually for 300 years for a total of 3,960 acre-feet from the Dawson aquifer which can be withdrawn to serve 16 residential lots and a commercial tract through individual wells, including two existing Dawson aquifer wells. The 16 lots in this subdivision will use 8.8 acre-feet/year total (2,640 acre-feet total for 300 years) and the commercial tract will use 4.4 acre-feet/year total (1,320 acre-feet total for 300 years). With a total available supply of Dawson aquifer water of 14.78 acre-feet of water per year (4,434 acre-feet total for 300 years) and based on the foregoing, there should be sufficient supply to meet the County's 300 year water supply rule.

7. Therefore, at this time, based on the finding of no injury and sufficiency by the State Engineer, the decreed water rights and plan for augmentation in Consolidated Water Court Case Nos. 2017CW3076 (Division No. 1) and 2017CW3027 (Division No. 2), and based on the requirements listed below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department shall make a finding as to water quality.

REQUIREMENTS:

Plat Notes and Documentation are required to address the following:

A. Applicant, its successors and assigns, shall create an HOA and advise the HOA and all future owners of these lots of all applicable requirements of the Decree entered in Consolidated Water Court Case Nos. 2017CW3076 (Division No. 1) and 2017CW3027 (Division No. 2), as well as their obligations to comply with the Decree and plan for augmentation, including but not limited to costs of operating the plan for augmentation, which will include the costs for construction and pumping of the Dawson wells and pumping of the Arapahoe and Laramie-Fox Hills aquifer wells to replace post-pumping depletions, and the responsibility for metering and collecting data regarding water withdrawals from said wells.

B. Applicant shall also assign or convey to the HOA, Applicant's interests, rights, and obligations in 2,272 acre-feet of nontributary Arapahoe aquifer groundwater and 1,699 acre-feet of nontributary Laramie-Fox Hills aquifer groundwater to be used for post-pumping depletions. Applicant shall create restrictive covenants upon and running with the property which shall obligate individual lot owners and the HOA to carry out the requirements of the plan for augmentation. Such assignment or conveyance shall be accomplished by an appropriate agreement and assignment or conveyance instrument

that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the final plat.

C. Applicant shall require non-evaporative septic systems to replace depletions during 300 years of pumping from the Dawson aquifer.

D. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owners sufficient water rights in the underlying Dawson aquifer to satisfy El Paso County's 300 year water supply requirement: 165 acre-feet total for each of the 16 lots and 1,320 acre-feet total for the commercial tract, as well as sufficient water rights in the Arapahoe and Laramie-Fox Hills aquifers to accommodate post-pumping depletions. Said Deed shall provide that the water rights shall be appurtenant to the land, to be used for the benefit of the lot owner, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered. It is anticipated that these conveyances will satisfy the State Engineer's evidentiary requirement that an applicant for an individual on-lot well has acquired the right to the portion of water being requested on the application. Applicant shall provide a form deed for such conveyance that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the final plat.

E. Applicant shall submit a Declaration of Covenants, Conditions, and Restrictions as well as Bylaws and Articles of Incorporation of the HOA to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording of the final plat. Said Declaration shall cross-reference the decreed plan for augmentation and the related water rights decrees, and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certificate of Incorporation of the HOA by the Secretary of State to the Planning and Community Development Department and the County Attorney's Office prior to recording of the final plat.

F. Applicant, its successors and assigns, shall record all applicable documents including, but not limited to, the Decree and plan for augmentation in Consolidated Water Court Case Nos. 2017CW3076 (Division No. 1) and 2017CW3027 (Division No. 2), agreements, assignments, and warranty deeds regarding the water rights, Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

> "Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin

aquifers is evaluated based on a 300 year aquifer life, which is based on an allocation approach. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers, and Applicants and their successors and assigns, including individual lot owners in the subdivision and the HOA, may be required to acquire, develop, and incorporate alternative renewable water resources in a permanent water supply plan that provides future generations with a water supply."

cc: Gabe Sevigny, Planner I