

Commissioners:

Darryl Glenn (President)

mark Waller (President Pro Tempore)

Stan Vanderwerf

Longinos Gonzalez

Peggy Littleton

Planning and Community Development

Craig Dossey, executive Director

10/9/18

Robert Scott
rshomes@comcast.net

Terra Nova Engineering, Inc.
Luanne Ducette

 l@tnesinc.com

Dear Applicant and/or Consultant:

Subject: SF-18-27- TimberRidge Estates Final Plat –Review 1

**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. Please see redlines in EDARP uploaded by the project manager in addition to the other agencies.

2. The following conditions of approval have been placed on the preliminary plan which is the bases for this final plat request:

*A legal challenge to the BoCC approval of The Retreat at TimberRidge Planned Unit Development zoning is currently pending. Approval of this Preliminary Plan is contingent upon a final court order upholding the PUD zoning. Amendments to the BoCC approval or to the PUD development plan (PUD 17-003) made as part of settlement of the litigation may require submission of an application to amend the Preliminary Plan. No final plats will be recorded unless and until a final court order upholding the PUD zoning is issued and all appeal periods have lapsed.*

*Landscape plantings along Arroya Lane shall be planted by the developer at the ratio of one (1) tree per 30 feet, and a minimum of one-third (1/3) of those trees shall be evergreen trees.*

Please acknowledge and address the conditions in the LOI. Identify the street trees adjacent to your requested plat in an exhibit and add them to the FAE please.

**Engineering Department**

**See uploads**

**COLORADO DIVISION OF WATER RESOURCES**

See uploaded attachment in EDARP.

**FALCON FIRE PRORTECTION DISTRICT**

This project is within the boundaries of the Black Forest Fire Protection District therefore no comments are review were provided by the Falcon Fire Protection District.

**MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.**

This area is within MVEA certificated service area. MVEA will serve this area according to our extension policy. Due to the density of this development and developments in the vicinity, MVEA indicates that connection requirements will include provisions for construction of a new transmission line and a substation and payment of all fees under MVEA line extension policy. Information concerning these requirements can be obtained by contacting the Engineering Department of MVEA.

MVEA requests a ten (10) foot front and side lot line utility easement along with a twenty

(20) foot exterior easement on plat. If open space, drainage and landscape tracts are designed in this subdivision MVEA requests these areas be listed to include utilities. Additional easements may be required once a review of civil drawings with grading and erosion plan is provided to MVEA in order to serve this development. MVEA has existing facilities near this parcel of land. If there is any removal or relocation of facilities it will be at the expense of the applicant.

Mountain View will require that the owner or developer of this project coordinate with it and the El Paso County concerning the location of any roads or other public improvements that it constructs, including any offsite modifications to existing roads or other public improvements, in order that arrangements can be made, in advance of entering into any construction contracts affecting such facilities, to complete any necessary relocation of Mountain View facilities prior to construction of said improvements, all in accordance with Colorado law and Mountain View's published policies and Bylaws. Mountain View will not proceed to relocate any facilities until after such coordination is complete and Mountain View has been paid those relocation costs that are properly owned it under its published policies and Bylaws and Colorado law.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,

Cathy Hansen-Lee

Engineering Administrative Assistant

**ELPASO COUNTY ATTORNEY’S OFFICE**

1. If approved, the final plat shall not be recorded until a final court order in the pending litigation regarding The Retreat at TimberRidge PUD has been entered and all appeal periods have lapsed.

2. Changes to the Detention Maintenance Agreement are attached.

3. Please submit the SIA in Word for ease of editing.

**COLORADO STATE FOREST SERVICE**

The primary wildland fuel type for this proposal is grassland with scattered trees having a low wildfire hazard potential. No special fire mitigation plans or other actions are necessary for final approval by the Colorado State Forest Service.

**CHEROKEE METRO DISTRICT**

No comments as this development lies outside of the service boundary of the Cherokee Metropolitan District.

**COLORADO PARKS AND WILDLIFE**

Colorado Parks and Wildlife (CPW) has reviewed the plans for the Timber Ridge Estates SF – Final Plat near Vollmer Road and Arroya Lane. This area included within the Development boundaries will sustain numerous wildlife species including deer, elk, pronghorn, turkey, mountain lion, coyote, fox, raptors, songbirds, and numerous small mammals. CPW has previously commented on the entire Timber Ridge development plans previously submitted, and would like to reiterate the following recommendations stated in a comment letter submitted on May 4, 2017.

In the letter of intent for the Timber Ridge Estates SF – Final Plat it states that Sand Creek will be buffered from construction, and preserved as a natural feature. In the “Street Improvement Plan” it appears that work will be done around the existing Arroya Lane road infrastructure and the Sand Creek drainage. CPW recommends that The Army Corps of Engineers are consulted with this project in regards to any work near Sand Creek or other designated wetlands to ensure compliance with the Clean Water Act. If a 404 permitting process is required by the Army Corps of Engineers, CPW will comment on specific plans for wetland-related issues. For general recommendations for crossing riparian corridors, reseeding disturbed soils, and other best management practices, refer to the land use comment previously sent on May 4, 2017.

For recommendations on noxious weed management, wildlife friendly fencing, nesting birds or habitat, avoiding feeding of wildlife, and reduction of negative wildlife interactions (ie. Predators, pests, pet/wildlife interactions etc.), please reference the previous letter.

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

CPW appreciates being given the opportunity to comment. Please Feel free to contact District Wildlife Manager Aaron Berscheid at 719-439-9601 or aaron.berscheid@state.co.us should you have any questions or require additional information.

Sincerely,

Frank McGee

Area Wildlife Manager

**BLACK FOREST LAND USE COMMITTEE**

The Black Forest Land Use Committee has reviewed this proposal and wishes it could be considered independent of the greater Retreat at TimberRidge preliminary plan. This proposal for Timberridge Estates by itself is in conformance with the Black Forest Preservation Plan. If Timberridge Estates remains part of the Retreat at TimberRidge preliminary plan, the Land Use Committee is recommending that all actions on this development be tabled until resolution of the lawsuit against the BoCC for the PUD rezoning action on the Retreat. The El Paso County Attorney is also recommending that no approval action be taken until this lawsuit and any appeals are resolved. Therefore, as part of the Retreat at TimberRidge development, we recommend that this final plat be delayed until resolution of the lawsuit against the BoCC for the PUD rezoning action.

**ELPASO COUNTY ENVIRONMENTAL SERVICES**

The El Paso County Environmental Division has completed its review of the Timberidge Estates Final Plat SF1827. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

1. Potentially jurisdictional aquatic features have been identified along Arroya Lane and the U.S. Army Corps of Engineers (USCOE) letter dated July 20, 2017 indicates that a permit may be required for the project. A completed permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.

2. The letter dated May 15, 2017 from the U.S. Fish and Wildlife Service (USFWS) indicates that it is unlikely the project will result in the take of listed species but that it may have minor adverse impacts to listed species that may occur in or near the project area. The USFWS provides a series of conservation recommendations which we strongly recommend be incorporated/followed during the pre-construction, implementation and post-construction phases of the project. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species and migratory birds, respectively. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act and the Migratory Bird Treaty Act.

3. The letter dated May 4, 2017 from Colorado Parks and Wildlife provides numerous Best Management Practices (BMPs) and recommendations related to wildlife/natural areas on the property. We strongly recommend that these BMPs and recommendations be incorporated/followed during the pre-construction, implementation and post-construction phases of the project. Additionally, the project proponent has indicated that wildlife protection measures will be addressed through covenants.

4. The Noxious Weed Management Plan (Plan) dated July 7, 2017 provides a basic plan for addressing noxious weeds on the property. This Plan should also include more specific information regarding the species and infestation locations present on the property. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.

5. In the report dated December 5, 2017, Core Consultants provides several recommendations regarding addressing natural resources issue including performing raptor nest and breeding bird surveys prior to the start of construction, performing noxious weed surveys and treatments prior to undertaking ground disturbing activities, orienting drainage crossings to avoid impacts to riparian habitat and performing surveys for fox dens prior to ground disturbances. Following these recommendations is suggested in order to insure compliance with applicable laws and regulations.

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

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

**911 AUTHORITY- ELPASO/TELLER COUNTY**

E911: Nature Refuge Way has been previously approved during the Retreat at TimberRidge submittal.

**PIKES PEAK REGIONAL BUILDING DEPARTMENT**

Regarding a request for approval of a final plat for TimberRidge Estates, Enumerations has the following comments:

1. The street name shown has been approved by El Paso/Teller 911, however, the street designator of “Way” is one that denotes a public right-of-way. The letter of intent indicates that this is to be a private road. Verify with Justin Annan or Glenn West at El Paso/Teller 911 that this designator is acceptable or whether it needs to be changed to one of the designators reserved for private streets (Grove, Heights, View, or Point).

2. Per Regional Building Code, section RBC312.8 addresses must appear on plats. Submit a 100 scale copy of the plat to our office for addressing. Place an (xxxx) on all lots and tracts which will require an address, in the location the address will be needed. Once addressing is completed, the addresses will be returned so that they may be placed on the mylar prior to recording.

3. Prior to recording, Enumerations will review the mylar for addressing, title block, street names and floodplain statement. A fee of $10 per lot/tract addressed, payable to Pikes Peak Regional Building Department will be due at the time of mylar review.

4. Provide a copy of the final recorded plat to Enumerations. Approval of any plans submitted for this development will be pending receipt in our office of a copy of the final recorded plat.

 Floodplain has the following comment:

1. The FIRM panel number shown in the floodplain statement is incorrect. The correct panel number is: 08041C0535F Brent Johnson Enumerations Plans Examiner Pikes Peak Regional Building Department O: 719-327-2888 E: brent@pprbd.org W: pprbd.org

**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.**

**PLEASE NOTE: The application cannot be scheduled for public hearing until and unless a final response has been received by Planning and Community Development from those agencies that are required (pursuant to state statute and the El Paso County Land Development Code) to provide such response (i.e.- State Engineer’s Office, County Attorney’s Office, County Health Department, etc).**

In order to be considered for the Planning Commission hearing, all outstanding issues must be resolved. Please contact me if you would like to schedule a meeting with myself or the multi-disciplinary team.

When all the comments have been addressed and corrections made please submit the required documents as requested in EDARP.

If you have any questions feel free to contact me at 520-6306.

Best Regards,

*Kari Parsons*

El Paso County Planning and Community Development Department

cc: Jeff Rice PE, Engineering

File: SF1827