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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kari Parsons, Senior Planner
Charlene Durham, P.E., Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SF2241
Project Name: Retreat at TimberRidge
Parcel Numbers: 5221400001, 5228000039, 5227200007,
5227200008, 5222000026, and a portion of 5222000023

OWNER:	REPRESENTATIVE:
TimberRidge Development Group, LLC 2138 Flying Horse Club Drive. Colorado Springs, CO 80921	Classic Consulting, LLC 619 N. Cascade Avenue Suite 200 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	11/16/2023
Board of County Commissioners Hearing Date:	12/14/2023

EXECUTIVE SUMMARY

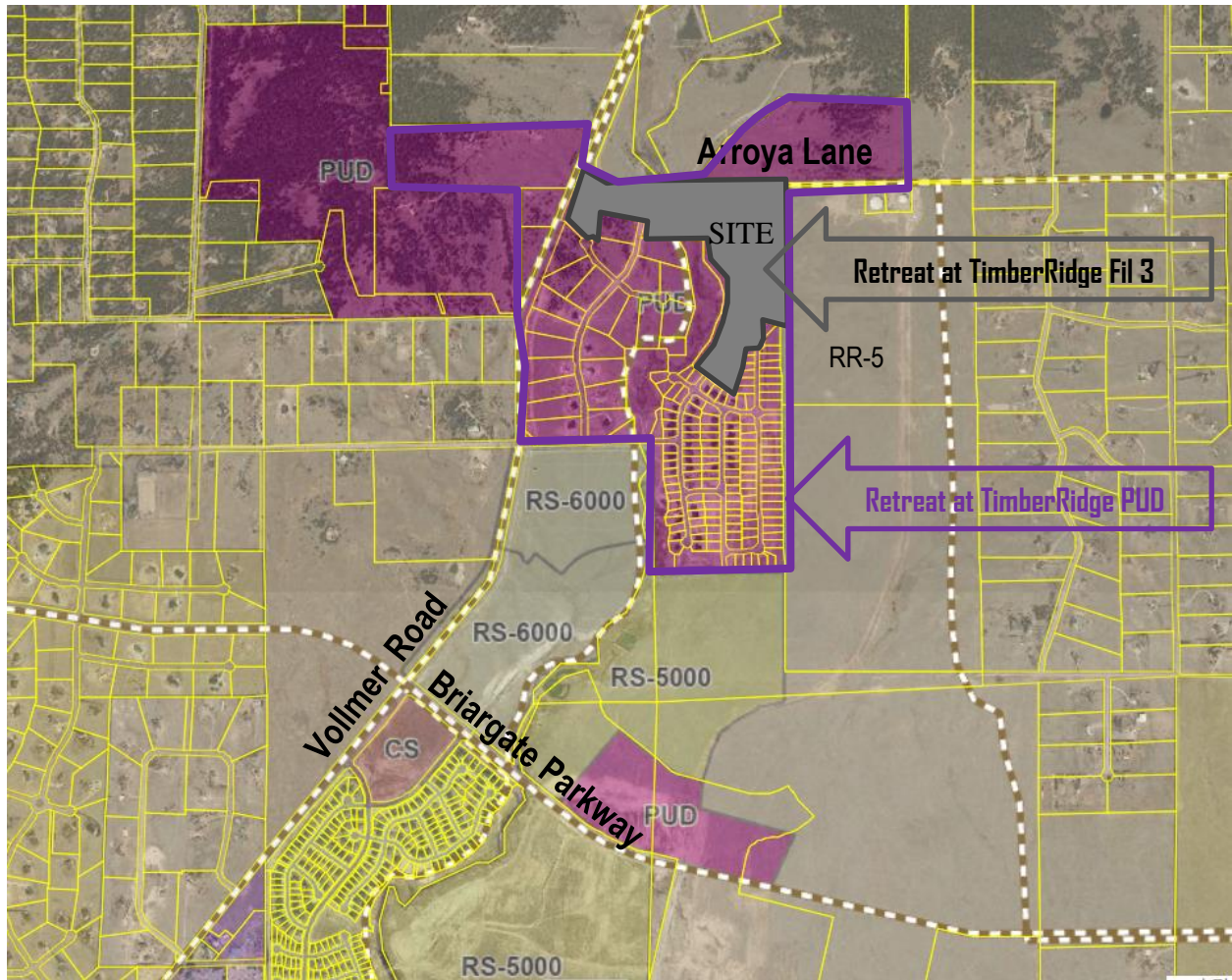
A request by TimberRidge Development Group, LLC, for approval of a 44.35-acre Final Plat zoned PUD (Planned Unit Development) to allow for single-family detached residential lots. The property is located immediately adjacent and south of Arroya Lane and to the east of Vollmer Road. The Final Plat includes 33 single-family residential lots (33.8 acres), four (4) tracts for open space, detention, landscape, fencing, retaining walls, signage, utilities (3.6 acres), and 6.9 acres of future right-of-way. The Final Plat includes six (6) rural lots with a minimum lot size of 2.5 acres; Lots 1 through 3, west of the Sand Creek Channel, are to be served by well and on-site wastewater treatment, Lots 4 through 6, east of the Channel,

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are anticipated to be served by central water and wastewater. These six rural lots provide a transition from the rural lots to the west and north of the development as depicted in the approved PUD and Preliminary Plan. The remaining 27 lots, Lots 7 through 33, have a minimum lots size of 15,000 square feet and will be served by central water and wastewater services. A finding of water sufficiency for water quality, quantity, and dependability is requested at this time.



Vicinity Map

A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

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Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code, as amended:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved Preliminary Plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- Either 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 the Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
- 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 the Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

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- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

C. LOCATION

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

D. BACKGROUND

The Retreat at TimberRidge Planned Unit Development (PUD) was approved by the Board of County Commissioners on March 27, 2018. The PUD includes 212 single-family residential lots, rights of way, and 11 open-space, trail corridors, detention, and utilities tracts within 262.92 acres to be developed in phases. The overall density of the PUD is 0.81 dwelling units per acre. The PUD included a density transition from the RR-5 (Residential Rural) zoning district within the Black Forest by establishing a minimum lot size of 5-acres in the northern portion of the PUD west of Vollmer Road and in the northeast portion of the PUD, north of Arroya Lane. This transition requirement tapers to 2.5-acre lots adjacent and east of Vollmer Road and along Arroya Lane, further tapering from the north to the south to 1-acre lots. The transition continues from the 1-acre lots sizes down to one-half acre lots, and further transitioning to the smallest Urban single-family lots of approximately 12,500 square feet. The smallest lots are furthest from the rural transition and adjacent to the RS-6000 zoning located with the Sterling Ranch Development Area.

The Retreat at TimberRidge Preliminary Plan was approved by the Board of County Commissioners on October 23, 2018. It includes 205 single-family residential lots, rights-

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of-way, open-space, trail corridors, detention, and utilities tracts. The Preliminary Plan did not include a finding for sufficiency for water quality, quantity, and dependability.

The requested Final Plat is located within the middle transition area of the PUD, south of Arroya Lane, and north of the smallest lots (12,500 square feet) located within the PUD and includes both 2.5-acre lots and lots with a minimum lot size of 15,000 square feet. See attached recorded PUD.

E. ANALYSIS

1. Land Development Code

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code, as amended. The requested Final Plat is in conformance with the approved Retreat at TimberRidge Preliminary Plan. The approved Retreat at TimberRidge PUD and Preliminary Plan were approved under the guiding Goals and Principals of the Black Forest Preservation Plan (1998), and the County Wide Policy Plan (2000). An analysis of the current, Your El Paso County Master Plan (2021) is included in Section F of this report.

2. Zoning Compliance

The PUD (Planned Unit Development) zoning district is a versatile zoning mechanism to encourage innovative and creative design and to facilitate a mix of uses including residential, recreation, open space, and accessory uses. The approved and recorded Retreat at TimberRidge PUD identifies allowed accessory uses and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, maximum building height, and overall landscaping requirements. The requested Final Plat is in conformance with the approved PUD and consistent with the recorded PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant

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development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- *Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

Analysis:

The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. The application is consistent with the land use and densities set forth in the approved PUD Plan, entirely within the Suburban Residential Placetype. The applicant is proposing a minimum lot size of 15,000 square feet and a maximum lot size of 2.5-acres equivalent to 0.74 dwelling units per acre which is less dense than what is typically proposed within the Placetype. These lots are designed around the Sand Creek Regional Trail Corridor with connecting sidewalks, which is anticipated to provide a variety of development in the



context of the overall Retreat at TimberRidge development. Relevant goals and objectives are as follows:

Goal 1.3 – *Encourage a range of development types to support a variety of land uses.*

Goal 2.1 – *Promote development of a mix of housing types in identified areas.*

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective TM1-4 – *Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.*

b. Area of Change Designation: New Development

The subject parcel is within an area of New Development: These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis: The entire Retreat at TimberRidge development, which includes the proposed Final Plat, is located in an area which is expected to completely or significantly change in character. The applicant proposes to develop the subject property with single-family detached residential homes, which are consistent with the planned development surrounding the site. A relevant priority is as follows:

Goal LU3 Specific Strategy Priority - “The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.”

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c. Key Area Influences: Potential Areas for Annexation

The subject property is located within the Potential Areas for Annexation. The key area map demonstrates the anticipated urban growth areas in unincorporated El Paso County. The property is not contiguous to the City boundary. The applicant does not wish to annex into the City at this time. The applicant, City, and County are coordinating on the design of Vollmer Road. Continued coordination between the applicant, City, and County is anticipated to occur.

d. Other Implications (Priority Development, Housing, etc.) The subject property is located within a High Priority Development Area, Falcon Area.

The Falcon community has developed its own unique character and functions like a small municipality. New Suburban Residential development would not only match the existing development pattern in Colorado Springs and Falcon to the east and west but also act as a density buffer between more urban development to the south and large-lot to the north. The proposed rezone is also consistent with the High Priority Areas, and the guidelines below:

- Residential development near the municipal boundaries adjacent to this area may include single-family attached and multi-family units.*
- The County should emphasize Stapleton Road, Woodmen Road and Vollmer Road as connectivity corridors that would provide important access to necessary goods and services in surrounding communities, generally supporting suburban residential development.*

The subject area is anticipated to continue to have significant growth due to the establishment of central water and sanitation services. As residential development occurs, commercial areas are anticipated to develop in these areas to provide local services to the residents in the area. The proposed Final Plat request is consistent with the developed area, and with the goals and policies of the Master Plan.

3. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management

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through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.*

Goal 1.2 – *Integrate water and land use planning.*

Goal 3.1 – *Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

Policy 6.0.11 – *Continue to limit urban level development to those areas served by centralized utilities.*

Policy 6.0.1 – *Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*

Policy 6.4.1.3 – *Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Region 3, Falcon Area, which is expected to experience significant growth by 2040. Specifically, the Plan states:

Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road.

The Water Master Plan identifies a current water demand of 4,494-acre feet (AF) and a current supply of 7,164 AF for this Region, resulting in a surplus of water (decreed water rights) of 2,670 AF. The area included within the request is projected in the Water Master Plan as likely to reach build out by year 2040. For year 2040, the Plan projects a water demand of 6,403 AF for Region 3 versus a projected supply of 7,921 AF, resulting in a reduced surplus of 1,581 AF. When considering additional development in Region 3, it is important to note that the Plan ultimately projects a water supply deficit for the Region of 1,143 AF by 2060.

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Falcon Area Water and Wastewater Authority (FAWWA) has provided a commitment to serve the development and is mitigating the predicted water deficit by constructing water infrastructure from the northern area (Bar X Ranch, Winsome, and Shamrock West Ranches) of the County to the Falcon area, to provide centralized services to the development, and by investing additional water resources.

See the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

4. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and Colorado Parks and Wildlife (CPW) were each sent referrals and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) does not identify valued deposits in the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, a reservation for oil and gas and other minerals under said lands together with the right of surface entry has been disclosed on the face of the Final Plat, Note No. 39. Notice to the mineral estate holders was sent March 6, 2018, in conjunction with the initial public hearing for the rezone from RR-5 to PUD. There was no objection to the development.

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The Colorado Geological Survey reviewed the Entech's Soil, Geology, and Geologic Hazard Study (Entech Engineering, Inc., June 10, 2022) submitted by the applicant and provided the following comments:

1. As noted on page 12 of Entech's soil, geology, and geologic hazard study (Entech Engineering, Inc., June 10, 2022), the hazards and constraints identified on this site (Retreat At TimberRidge) include shallow bedrock, expansive soils, artificial fill, downslope creep, erosion, floodplain, ponded water, shallow groundwater,

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seasonal shallow groundwater, and potentially seasonally shallow groundwater areas. All geologic hazards and constraints associated with the site should be included on the final plat.

2. Sheet 2 of the final plat shows areas of potential seasonal shallow water and states, "potential seasonal shallow water, no buildings/no septic, see general note no. 31", however, these areas are indicated for lots 1-3 only. Entech has mapped potentially seasonal shallow groundwater areas on the east side of sand creek that lie within defined drainages in the majority of the lots that are not shown on the final plat. These areas/lots should also be noted on the final plat.

3. In the test borings drilled for Entech's June 10, 2022 study, groundwater was encountered in one of the test holes at 14.5 feet below grade during drilling. Groundwater was encountered in Entech's previous study during the preliminary plan application (entech job no. 170020) at depths of 5 to 17.5 feet below existing grades. Just as the natural drainages within the site will vary in flow rates annually and over differing years, shallow groundwater conditions are expected to fluctuate with differing precipitation events and seasons. We concur with the use of an underdrain system as planned for this subdivision (note 31 of the final plat). Even with an underdrain system, basements or other below-grade habitable spaces may be impacted by shallow groundwater. The most positive approach to determining potential shallow groundwater impacts on any planned below-grade areas is with a groundwater monitoring program. If basements are planned or overlot grading operations result in deep cuts, CGS recommends the County require a groundwater monitoring/observation program. This program should include measurements through all four seasons combined with a discussion of regional precipitation trends that can periodically increase the fluctuations expected in groundwater elevations.

4. An underdrain system should be allowed only if it can gravity discharge to a daylight outfall or is connected to an existing underdrain system that gravity discharges to a daylight outfall. Individual foundation perimeter drains are intended to handle small amounts of intermittent, perched water and may not be used as the sole mitigation of persistent shallow groundwater conditions.

5. Entech identified areas containing downslope creep but states on page 12, "it is anticipated that many of these areas will be mitigated by the overlot grading." Once



final grading is complete, Entech should review the grades to verify these areas will be mitigated. Entech's recommendations should be incorporated into the design of foundations.

The applicant has provided a Plat Note (No. 31) to identify the constraints and proposed mitigation. No septic or building shall occur within the areas of "Potential Seasonal Ground Water" within lots 1 through 3. The applicant is proposing to over lot grade the lots east of the Channel to mitigate the constraints. Additionally, the applicant is proposing an underdrain system if basements are proposed in areas of high groundwater.

2. Floodplain

A designated Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA / Zone AE 100-year floodplain) lies within Sand Creek running through the site from north to south as shown on Flood Insurance Rate Map (FIRM) panel No. 08041C0535G. The developer is required to comply with floodplain development regulations and wetland mitigation requirements, as applicable, for development of this property.

3. Drainage and Erosion

The site is located within the Sand Creek Drainage Basin. This basin has been studied and drainage and bridge fees apply. The drainage and bridge fees due for this Final Plat are \$138,300.76 and \$61,390.24, respectively. The developer proposes reimbursable bridge fees for the construction of the Arroya Lane structure. The cost of the bridge, which is creditable towards the bridge fee, is expected to exceed the proposed bridge fees. If the bridge improvements are completed or collateralized at the time of Final Plat recording, no bridge fees will be due. The developer is proposing channel improvements in the amount of \$95,121.00. To have the channel improvement cost creditable towards drainage fees, a Sand Creek Drainage Basin Planning Study (DBPS) amendment will need to be provided addressing the proposed improvements and associated cost. If the channel improvements and their cost are approved as part of a DBPS amendment, the remaining drainage basin fees of \$43,179.76 will be due at the time of Final Plat recordation. The DBPS amendment will need to be approved by the Drainage Board. In order to apply the drainage and bridge improvement costs as credits towards the drainage and bridge fees, the developer will need to follow Section 3.3 of the Drainage Criteria Manual regarding drainage improvement credits and reimbursements.

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The site drains to the Sand Creek channel, generally flowing to the south. A Master Development Drainage Plan (MDDP) was provided with the previously approved PUD Development Plan and a preliminary drainage report (PDR) was approved with the Preliminary Plan. The final drainage report (FDR) submitted with this Final Plat is in conformance with the previous reports. The developer proposes to construct full-spectrum detention and water quality facilities to maintain developed runoff at or below historic rates.

Improvements to the Sand Creek Channel include bank stabilization, sheet pile cutoff walls and the Arroya Lane bridge. Per the FDR, the proposed development will “not significantly impact any downstream facility or property to an extent greater than that which currently exists in the ‘historic’ conditions.”

4. Transportation

The Retreat at TimberRidge development will access Vollmer Road, classified in the El Paso County Major Transportation Corridors Plan Update (MTCP) 2040 Plan as a 2-lane Rural Minor Arterial road via Arroya Lane. Access points to the future Sterling Ranch Road network to the east is also proposed. Table 3 of the Traffic Impact Study (TIS) for the requested Retreat at TimberRidge Filing No. 3 identifies required offsite roadway improvements and developer responsibilities. Improvements include realigning the intersection at Vollmer Road to a right angle, widening of shoulders on the east side of Vollmer along Arroya Lane, section of Arroya Lane previously constructed as interim secondary emergency access will be paved and improved to the final cross section. Arroya Lane will be improved to a Rural Collector. Aspen Valley Road will also be extended to tie to Arroya Lane. Staff recommends that the road improvements associated with the Final Plat are in conformance with the MTCP.

The subdivision is subject to the County Road Impact Fee Program. The developer requests inclusion into Public Improvement District (PID) No. 3 (10-mil PID).

The developer is proposing to construct 0.5 miles of internal urban local roads and 0.5 miles of internal rural local roads. Roads will also access the existing road networks constructed with Retreat at TimberRidge Filing Nos. 1 and 2. The roads are proposed public roads will be constructed to County standards and dedicated to the County for maintenance.



H. SERVICES

1. Water

Falcon Area Water and Wastewater Authority (FAWWA) provides water service and has committed to serve the development via an intergovernmental agreement with the Retreat Metropolitan Districts for 30 of the residential lots east of the Sand Creek Channel. Individual wells are proposed for three (3) lots west of the Channel.

Water Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a favorable recommendation of a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Falcon Area Water and Wastewater Authority (FAWWA) provides water service and has committed to serve the development via an intergovernmental agreement with the Retreat Metropolitan Districts for 30 of the residential lots east of the Sand Creek Channel. Individual wastewater treatment (septic) systems are proposed for three (3) lots west of the Channel.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA). Black Hills Energy will provide Natural Gas. The agencies were sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is within the Retreat Metropolitan District Nos. 1 and 2.

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6. Parks/Trails

“The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Retreat at TimberRidge Filing No. 3 Final Plat:

(1) provide to El Paso County a 25-foot public trail easement along the west side of the Sand Creek Drainage from the southern plat boundary to Arroya Lane that allows for public access, as well as construction and maintenance by El Paso County of the Sand Creek Primary Regional Trail, and this easement shall be shown on and dedicated to El Paso County prior to the recording of this Final Plat;

(2) provide to El Paso County a 25-foot public trail easement along the south side of Arroya Lane outside of the public Right-of-Way, from the eastern plat boundary to Vollmer Road that allows for public access, as well as construction and maintenance by El Paso County of the Arroya Lane Primary Regional Trail, and this easement shall be shown on and dedicated to El Paso County prior to the recording of this Final Plat;

(3) require fees in lieu of land dedication for regional park purposes in the amount of \$15,180 and urban park purposes in the amount of \$9,570 to be paid upon recording of this Final Plat.”

The applicant has depicted the requested easements on the Final Plat and has agreed to the requested fee amount in lieu of land dedication.

I. Schools

Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.

J. APPLICABLE RESOLUTIONS

See attached resolution.

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, as amended, staff recommends the following conditions and notations:

CONDITIONS

- 1. All Deed of Trust holders shall ratify the Final Plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

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2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this Final Plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the Final Plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained through EDARP from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final

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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.

10. Park fees in lieu of land dedication for Regional Park Area 2, in the amount of \$15,180.00 and Urban Park Areas 2 and 3 in the amount of \$9,570.00 shall be paid at the time of Final Plat recordation.
11. Fees in lieu of school land dedication in the amount of \$10,098.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of Final Plat recording.
12. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/22/2023, as provided by the County Attorney's Office.
13. All existing access/egress easements depicted on planned public roadways shall be vacated or made to be subservient to the proposed public right of way prior to preliminary road acceptance.
14. Drainage fees and bridge fees for the Sand Creek drainage basin, in the amount of \$138,300.73 and \$63,390.24 respectively, are due at the time of final plat recording. If the channel and bridge improvements are approved as reimbursable items by the Drainage Board in a Drainage Basin Planning Study (DBPS) amendment, then if improvements are completed or collateralized at the time of Final Plat recording, drainage and bridge fees will be offset accordingly.
15. Arroya Lane improvements, including the intersection with Vollmer Road, shall be constructed with this Final Plat development.
16. All engineering documents, reports and plans associated with this Final Plat application shall be approved by the Department of Public Works prior to construction of public improvements and recording of Final Plat.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 36 adjoining property owners on October 31, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Letter of Intent
Plat Drawing
Recorded PUD Plan
State Engineer’s Letter
County Attorney’s Letter
Draft Resolution

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

LETTER OF INTENT

Retreat at TimberRidge

Filing No. 3

Owner: TimberRidge Development Group, LLC
2138 Flying Horse Club Dr.
Colorado Springs, CO 80921
(719) 592-9333

**Applicant/
Consultant:** Classic Consulting, LLC
619 N. Cascade Ave., Suite 200
Colorado Springs, CO 80903
(719) 785-2802

Tax Schedule No. 52214-00-001, 52280-00-039, 52272-00-006, 52272-00-007,
52272-00-008, 52220-00-026 and portion of 52220-00-023

Request:

This Final Plat encompasses 44.351 acres and 33 single-family lots are proposed. Six lots (Lots 1-6) are proposed to be 2.5 Ac. minimum in size. The remaining 27 lots (Lots 7-33) are proposed to be 15,000 SF minimum in size. This remains consistent with both the approved PUD Development Plan and Preliminary Plan. Water sufficiency is being requested with this Final Plat.

SITE DESCRIPTION:

This letter is prepared to provide sufficient information in support of the Final Plat for Retreat at TimberRidge Filing No. 3. This proposed Final Plat consists of 33 single-family homes and six tracts for open space, drainage, utilities and trails. The total acreage for this Final Plat equals 44.351 acres. A realignment of Arroya Road to intersect Vollmer Road at a 90-degree angle will be provided with this subdivision. However, no right-of-way vacation is being proposed at this time.

The site is located in a portion of sections 21, 22, 27 and 28, township 12 south, range 65 west of the sixth principal meridian, El Paso County, Colorado. More specifically, located due east of Vollmer Road, south of Arroya Lane and north and west of the Sterling Ranch Development and TimberRidge Filings 1 and 2. The entire property is zoned PUD with proposed residential land uses of both rural (2.5 Ac. lots) and urban (15,000 SF min. lots).

The zoning of the property was approved with the Retreat at TimberRidge PUD (SP-18-002) Development Plan, April 2018, with water sufficiency made at time of Preliminary Plan.

PROJECT DESCRIPTION:

SOILS & GEOLOGY HAZARDS/CONSTRAINTS

The Geology and Soils Report dated June 2022 prepared by Entech Engineering, Inc., outlines potential Geologic Hazards and Constraints as defined in the Engineering Criteria Manual and Code. Mitigation is identified and discussed in Section 6 of the Report. All constraints can be properly mitigated or avoided through standard construction practices. Any hazards or constraints are depicted and noted on the Final Plat.

TRAFFIC

Retreat at TimberRidge Filing No. 3 will be accessed by the extension of both Aspen Valley Road and Antelope Ravine Drive north into the property as constructed with Filing No. 1 and 2. Direct access from Arroya Lane will also service Filing No. 3. Arroya Lane then has direct access to Vollmer Road. Please also reference the Traffic Technical Memorandum dated July 2022 prepared by LSC Transportation Consultants, Inc.

El Paso County Road Impact Fee Program: Pursuant to Board of County Commissioner Resolution No. 19-471, the applicant elects to include this Filing No. 3 in the five mill Public Improvement District No. 3 as noted on the final plat. The current five mill PID building permit fee for single family residential use equals \$2,527 per lot.

TRAILS & CONNECTIVITY

Per the approved PUD Development Plan and Preliminary Plan, an El Paso County regional multi-use trail (10' wide gravel) will be provided along the west side of Sand Creek (within a proposed 30' El Paso County Regional Trail Easement) and the south side of Arroya Lane (within a proposed 25' public tract for the Sand Creek channel that is to be owned and maintained by El Paso County).

UTILITY SERVICES

Urban Lots (Lots 7-33)

Rural Lots (Lots 4-6)

Water and Wastewater services will be provided by the Sterling Ranch Metropolitan District through an agreement between the Developer and the District. (See provided commitment letter) As referenced in the Water Resources Report, prepared by JDS Hydro Consultants, Inc., the projected water demands for these urban lots are 0.353 AF/unit for a total annual demand of **10.59 Acre-feet** for Filing No. 3. The projected average daily wastewater loads are 172 GPD/unit for a total average daily flow of **5,160 GPD** for Filing No. 3.

All off-site utility infrastructure was constructed with Filing No. 1 and Filing No. 2.

UTILITY SERVICES

Rural Lots (Lots 1-3)

Water will be provided by individual wells on each lot and Wastewater will be provided through individual On-site Wastewater Treatment Systems (OWTS). Based on the Geology and Soils Report, Section 8, these lots are suitable for OWTS with additional

testing required for each individual lot prior to construction. As referenced in the Water Resources Report, prepared by JDS Hydro Consultants, Inc., the projected water demands for these rural lots are 0.353 AF/unit for a total annual demand of **1.059 Acre-feet** for Filing No. 3. The augmentation plans (18CW3002 and 16CW3035) relinquish 2,796 acre-feet of Laramie Fox Hills NT water to augment these 3 single-family wells in Filing No. 3.

All residential lots (both urban and rural) will be serviced by Mountain View Electric Association for electric service and Black Hills Energy for gas service (See provided utility commitment letters). Standard MVEA street lighting is proposed for all urban public roads with license agreement required for facilities with County Right-of-Way.

DRAINAGE & PONDS

With the Filing No. 2 development, an Extended Detention Basin (EDB) was constructed to provide detention and water quality treatment for the portion of Filing No. 3 development area west of Sand Creek. Another detention and stormwater quality facility was constructed with Filing No. 1 and the remaining portion of Filing No. 3 east of Sand Creek will be handled by this facility. The existing EDB's are owned and maintained by the Retreat at TimberRidge Metro District. Two proposed Rain Garden facilities are planned to handle the treatment of Arroya Lane.

Reach SC-9 of the Sand Creek channel traverses the site north-south. This drainageway is a significant natural feature that includes some wetlands and to the greatest extent possible will be preserved to provide an open space corridor through the development. (Reference the Wetland Delineations Report prepared by Bristlecone Ecology, LLC provided with submittal package) The Sand Creek DBPS, prepared by Kiowa Engineering Corporation, recommends a floodplain preservation design concept through this Reach. This concept includes specifically located grade control and/or drop structure improvements and rip-rap bank protection in an effort to slow the channel velocities and prevent localized and long-term stream degradation. Any disturbance of the delineated wetlands will be appropriately permitted with the U.S Army Corps of Engineers. (Upon permit approval, copy will be provided to County) Prior to any disturbance within the waters of the U.S., a floodplain development permit will be approved by Regional Floodplain.

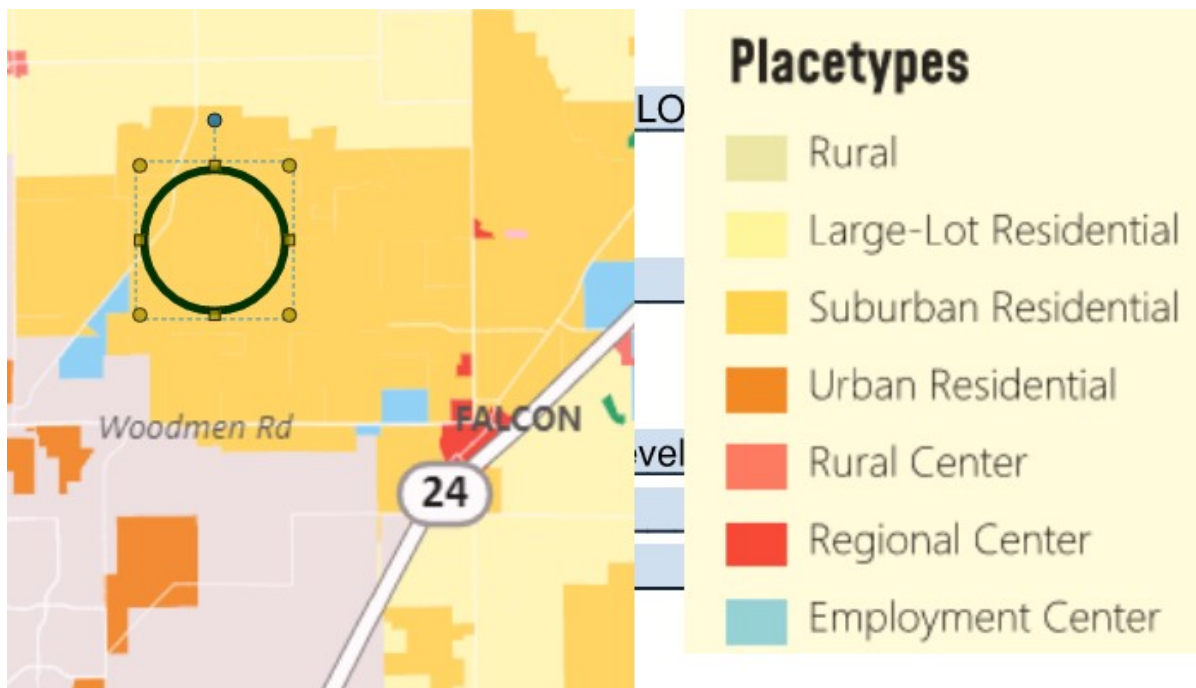
JUSTIFICATION:

Criteria for Approval

Conformance with the El Paso County Master Plan

The Retreat at TimberRidge Filing No. 3 is in conformance with the goals, objectives and Policies of the El Paso County Master Plan in the following manner:

® This residential land use falls within the primary land use Suburban Residential "Placetype" as identified in the Master Plan excerpt below.



® There is existing infrastructure to which the proposed development can connect to. This subdivision is the third filing within the overall TimberRidge Development. Filing No. 1 and 2 installed provided installation of roadway, utility and drainage infrastructure that this filing will connect to and utilize.

® This land use is located within the Suburban Residential Housing Priority Development Area as identified on the Master Plan excerpt below.

Conformance with the approved Preliminary Plan

The Retreat at TimberRidge Filing No. 3 is in conformance with the Retreat at TimberRidge Preliminary Plan (SP-182) and contained within portions of Phases 3, 4, 5 and 6.

Other Criteria for Approval

This subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering and surveying requirements of the County.

A sufficient water supply finding for quantity, quality and dependability was determined and made by BoCC at the time of Retreat at TimberRidge Preliminary Plan approval.

A public sewage disposal system has been established for the proposed Rural Lots 4-6 and Urban lots 7-33 (30 lots total) into the Sterling Ranch Metro District public sewer system and OWTS for rural Lots 1-3 (3 lots) in compliance with State and local laws and regulations and the requirements of Chapter 8 or the LDC.

All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified, addressed in the on-site soils report and shown on the Final Plat.

Adequate drainage improvements are proposed that comply with State Statute and the requirements of the LDC and the ECM and are presented in the Retreat at TimberRidge Filing No. 3 Final Drainage Report. (These include channel improvements and culvert crossing of Arroya Lane constructed by the developer)

Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County for compliance with the LDC and ECM. TimberRidge Filing No. 3 access will be from existing public streets constructed with Filings No. 1 and 2 and Arroya Lane.

Necessary services including police and fire protection, recreation, utilities and transportation systems are or will be made available to serve the proposed subdivision. The developer will pay the required school fees associated with this development.

The final plans provide evidence to show that multiple points of access are provided and the proposed methods of fire protection comply with Chapter 6, LDC. Also, the Black Forest Fire Protection District will review and approve the utility plans for this development.

In accordance with Chapter 8 of the LDC, off-site impacts have been evaluated with the PUD and Preliminary Plan. All related off-site roadway/traffic impacts, as documented in the TimberRidge TIS will be constructed based on the phasing/timing as presented in the TIS and approved by the County. This subdivision has also elected to be included in the PID No. 3 under the County Road Impact Fee Program. All on and off-site drainage has been evaluated and presented in the Retreat at TimberRidge Filing No. 3 Final Drainage Report. Off-site grading and drainage easements have now been documented and will be recorded prior to construction. The existing access easement provided with Filing 1 up to Arroya Lane will be removed upon platting on public right-of-way in the same location (extension of Antelope Ravine Dr. and construction of Hawks Hill Ct.)

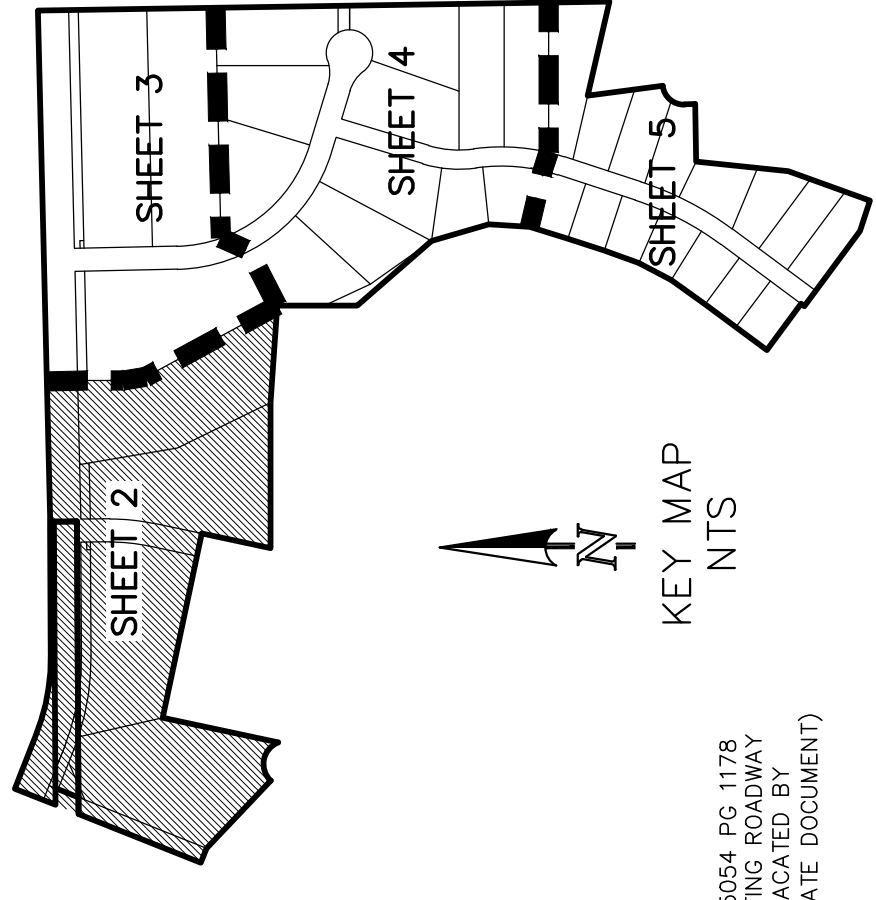
All public facilities/infrastructure is documented in the FAE and financial guarantee will be provided to the County based on the SIA prior to Plat recordation.

This subdivision meets all other applicable sections of the LDC, Chapters 6 and 8.

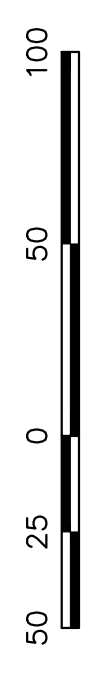
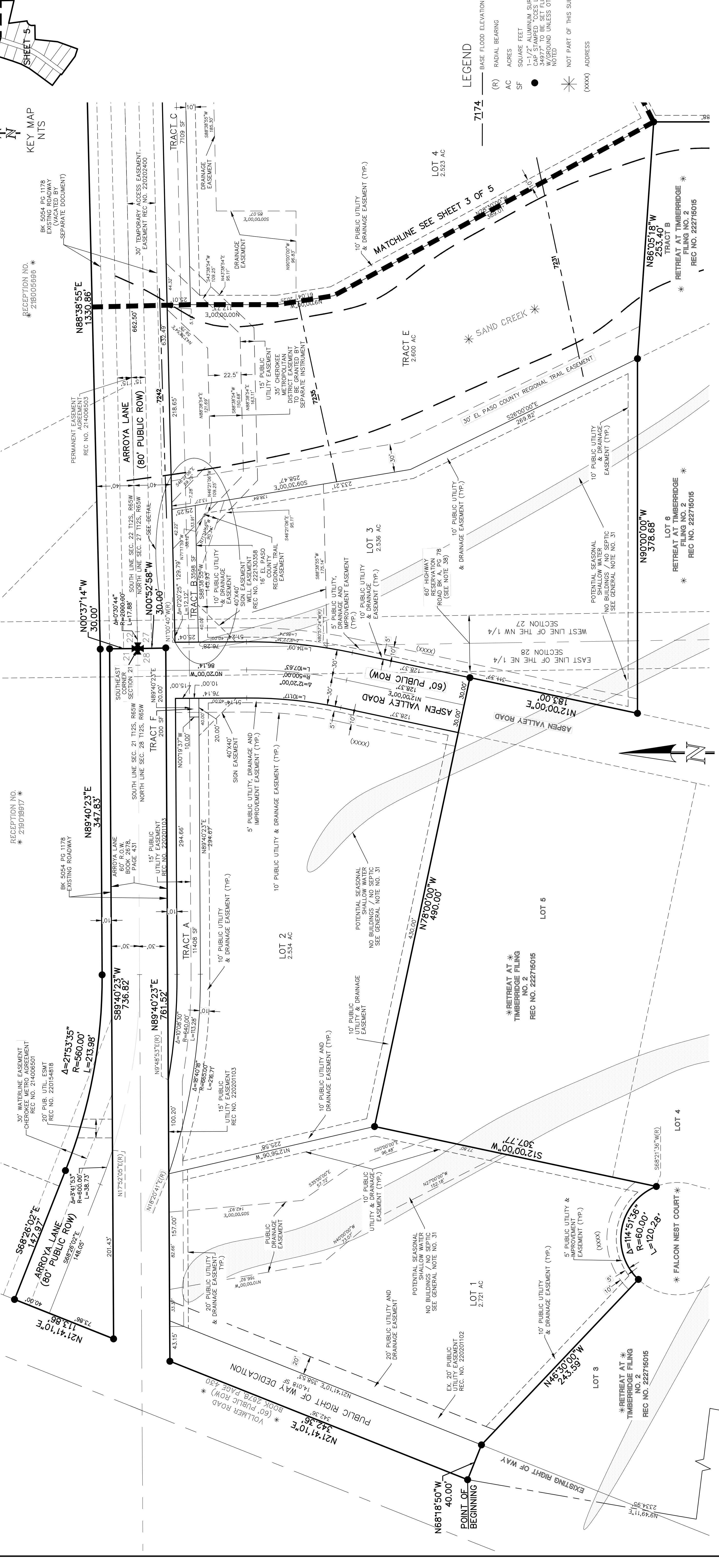
The extraction of any known commercial mining deposit will not be impeded by this subdivision.

RETREAT AT TIMBERIDGE FLING NO. 3

A PORTION OF SECTIONS 21, 22, 27 AND 28,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, COLORADO



KEY MAP
N.T.S.



SCALE: 1" = 50'
U.S. SURVEY FEET

- LEGEND**
- BASE FLOOD ELEVATION
 - (R) RADIAL BEARING
 - AC ACRES
 - SF SQUARE FEET
 - 1-1/2" ALUMINUM SURVEYORS CAP, STAMPED "CES, LLC, PLS FOUND 3-1/4" ALUMINUM CAP W/GROUND UNLESS OTHERWISE NOTED
 - * NOT PART OF THIS SUBDIVISION
 - (XXXX) ADDRESS

PRELIMINARY
THIS DOCUMENT HAS NOT BEEN
PLAT CHECKED

RETREAT AT TIMBERIDGE
FLING NO. 3
JOB NO. 1185.30
DECEMBER 8, 2022
SHEET 2 OF 5



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Colorado Springs, Colorado 80903
(719)765-0790

PCD FILE NO.: SF2241

RETREAT AT TIMBERIDGE FILING NO. 1 *
RECEPTION NO. 220714683
POCO ROAD

CE 1/16 CORNER
SEC. 28, T12S, R65W
FOUND 3-1/4" ALUMINUM CAP
STAMPED "ESI 10376, 2006"

POINT OF COMMENCING

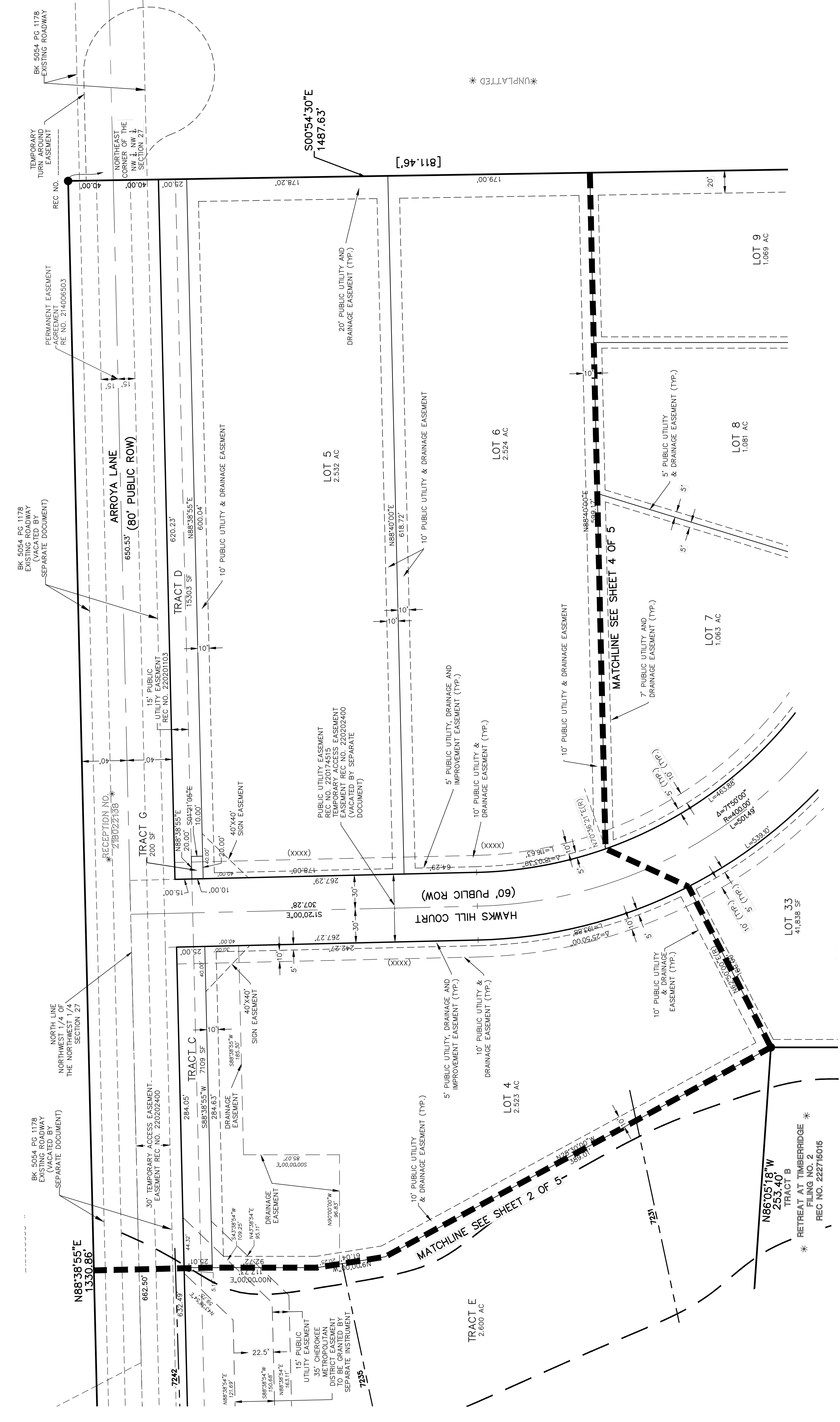
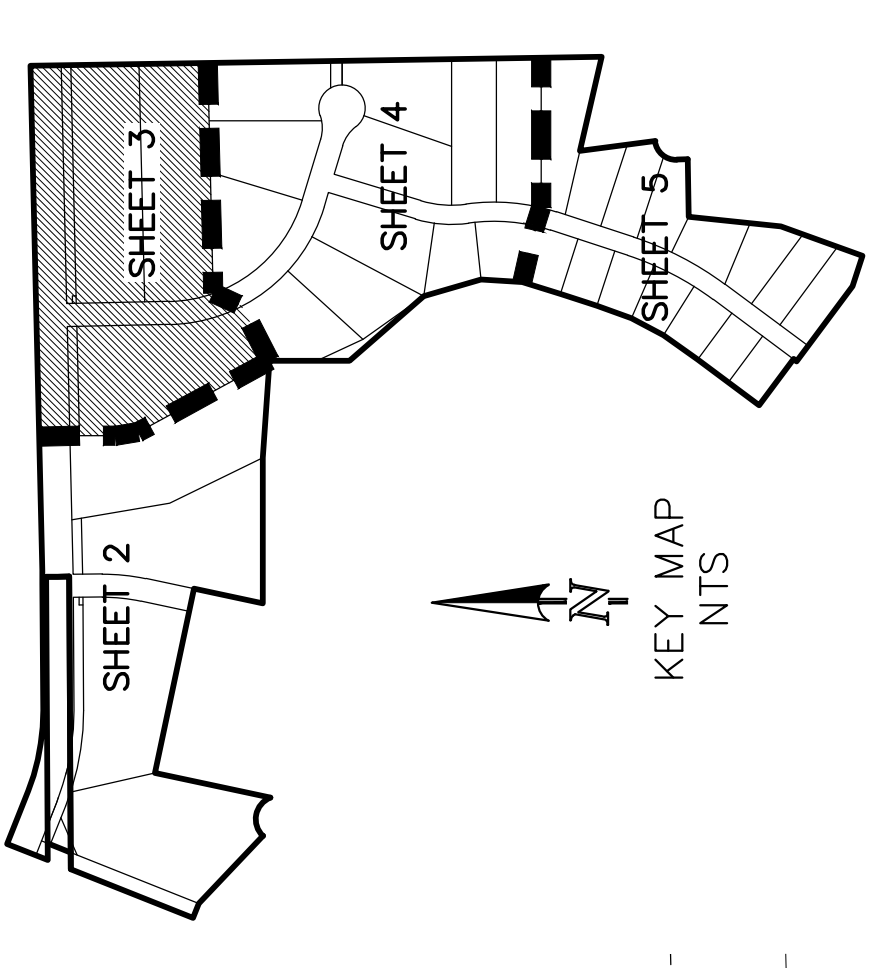
S88°08'28"W 1356.68'
BASIS OF BEARINGS

UNPLATTED *

TRACT C
30' WITNESS CORNER
E 1/4 CORNER
SEC. 28, T12S, R65W
FOUND 3-1/4" ALUMINUM CAP
STAMPED "PLS 10376, 2006"

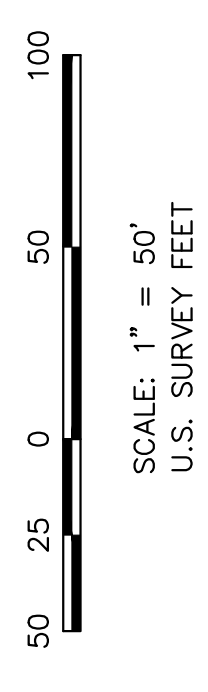
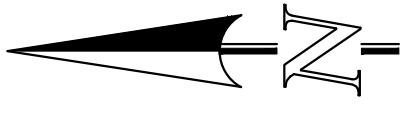
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A PORTION OF SECTIONS 21, 22, 27 AND 28,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, COLORADO



LEGEND

- 7174 — BASE FLOOD ELEVATION
- [811.46] 1400' INTERVAL DIMENSION
- (R) RADIAL BEARING
- AC ACRES
- SF SQUARE FEET
- 1-1/2" ALUMINUM SURVEYORS CAP STAMPED WITH SURVEYOR'S NAME AND LICENSE NO. W/GROUND UNLESS OTHERWISE NOTED
- * NOT PART OF THIS SUBDIVISION
- (XXXX) ADDRESS



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DECEMBER 8, 2022
SHEET 3 OF 5

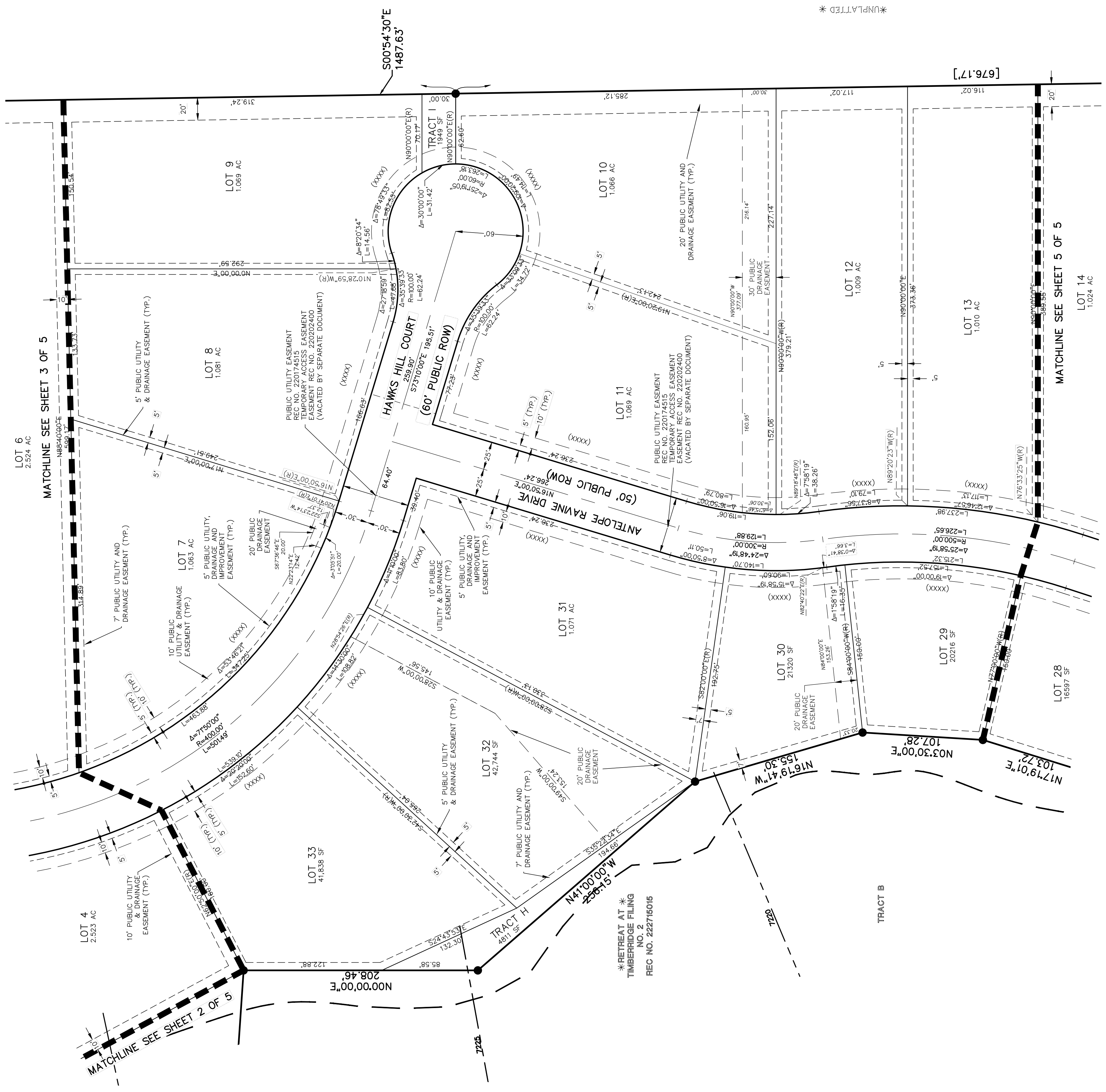
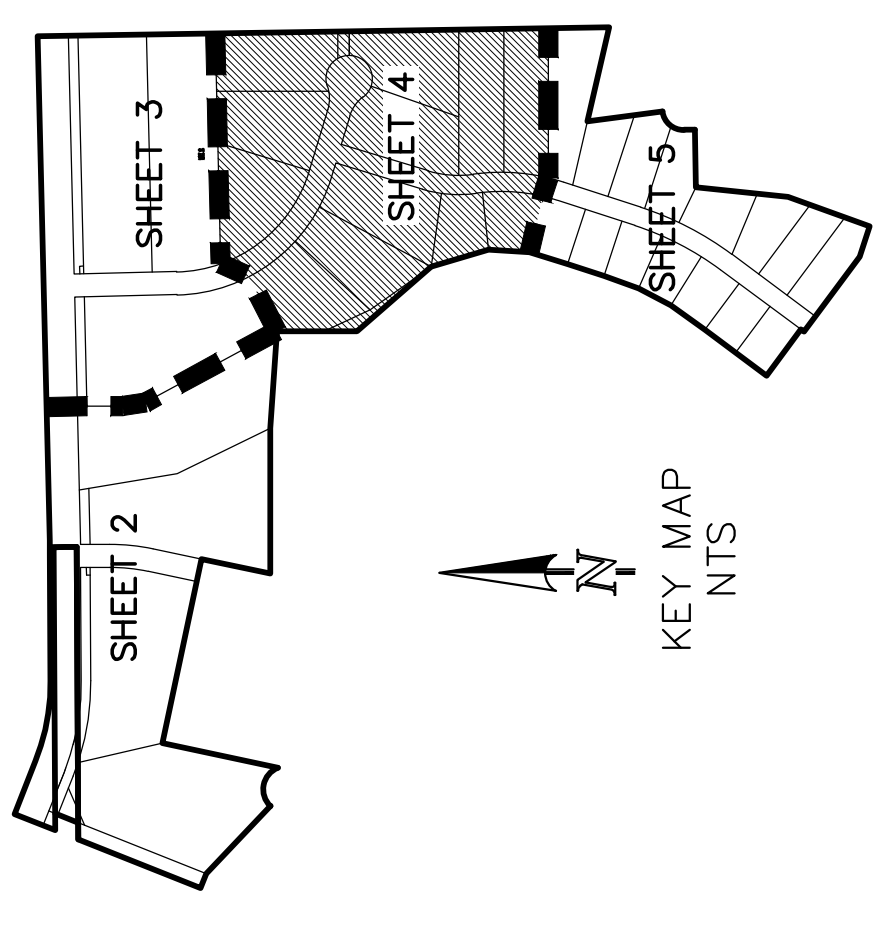


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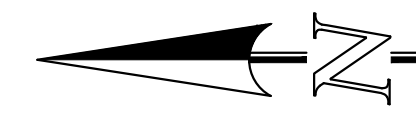
PCD FILE NO.: SF2241

RETREAT AT TIMBERIDGE FLING NO. 3

A PORTION OF SECTIONS 21, 22, 27 AND 28,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, COLORADO



- LEGEND**
- 7174 BASE FLOOD ELEVATION
 - [811.46] 1400' INTERVAL DIMENSION
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 - 1-1/2" ALUMINUM SURVEYORS CAP STAMPED W/GROUND UNLESS OTHERWISE NOTED
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SCALE: 1" = 50'
U.S. SURVEY FEET

50 25 0 50 100

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RETREAT AT TIMBERIDGE
FLING NO. 3
JOB NO. 1185.30
DECEMBER 8, 2022
SHEET 4 OF 5

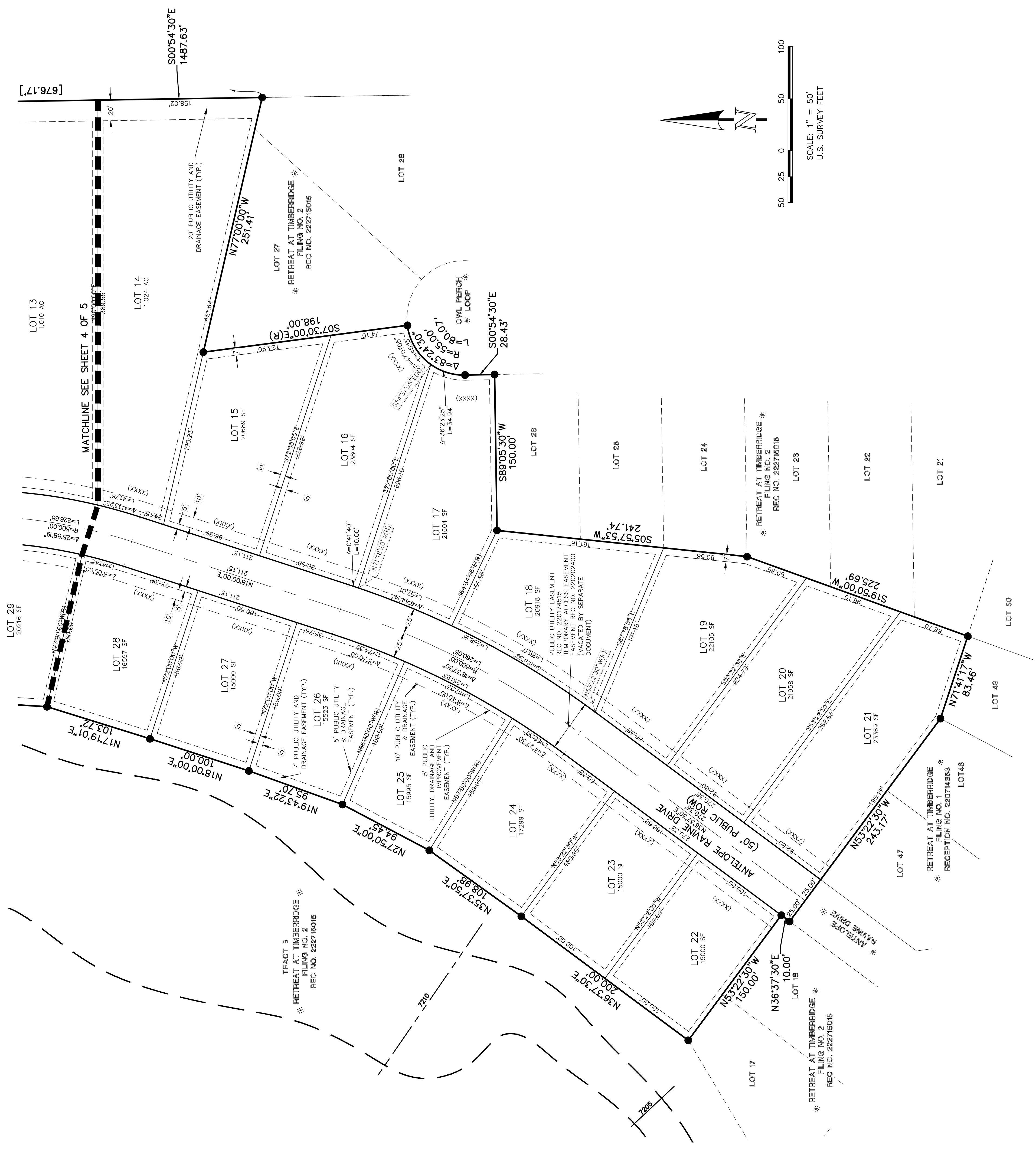
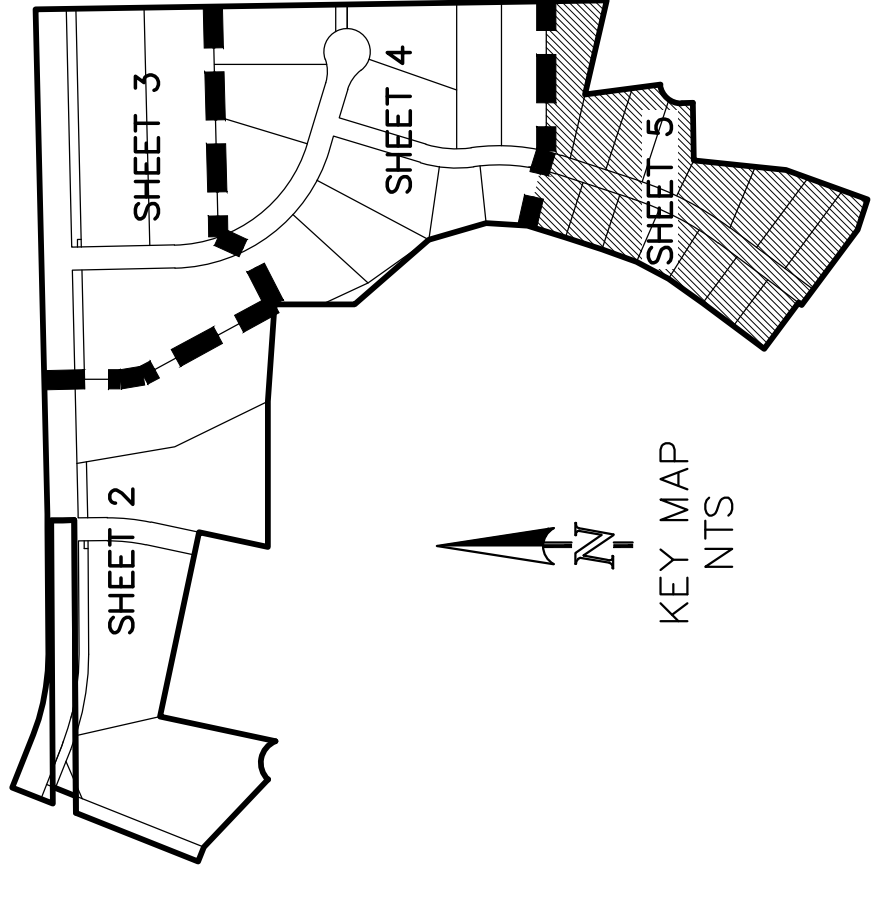


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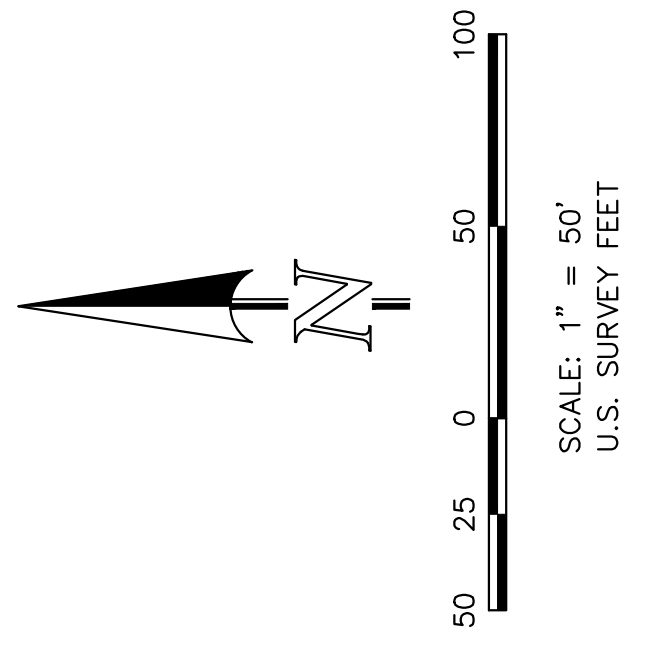
PCD FILE NO.: SF2241

RETREAT AT TIMBERIDGE FLING NO. 3

A PORTION OF SECTIONS 21, 22, 27 AND 28,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, COLORADO



- LEGEND**
- 7174 ——— BASE FLOOD ELEVATION
 - [811.46] ——— 1400' INTERVAL DIMENSION
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FLING NO. 3
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DECEMBER 8, 2022
SHEET 5 OF 5



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Colorado Springs, Colorado 80903
(719)765-0790

PCD FILE NO.: SF2241

GENERAL PROVISIONS

- Authority. This PUD is authorized by Chapter 4 of the El Paso County Land Development Code, adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.
- Applicability. The provisions of this PUD shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Planning and Community Development Department Director or Board of County Commissioners.
- Adoption. The adoption of this Development Plan shall evidence the findings and decisions of the El Paso County Board of County Commissioners that this Development Plan for The Retreat@TimberRidge is in general conformity with the El Paso County Master Plan, El Paso County Policy Plan and applicable Small Area Plan; is authorized under the provisions of the El Paso County Land Development Code; and that the El Paso County Land Development Code and the Colorado Planned Unit Development Act of 1972, as amended.
- Relationship to County Regulations. The provisions of this Development Plan shall prevail and govern the development of The Retreat@TimberRidge, provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the El Paso County Land Development Code in effect at the time of the PUD plan approval or any other applicable resolutions or regulations of El Paso County, shall be applicable.
- Enforcement. To further the mutual interest of the residents, occupants, and owners of the PUD and of the public in the preservation of the integrity of this Development Plan, the provisions of this plan relating to the use of land and the location of common open space shall run in favor of El Paso County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.
- Conflict. Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern.
- Maximum Level of Development. The total number of dwellings or the total commercial, business, or industrial intensity shown on the approved density transfers). The actual number of dwellings or level of development may be less due to subdivision or Site Development Plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.
- Project Tracking. At the time of any final plat application, the applicant shall provide a summary of the development, to date, to Planning and Community Development Department. In order to assure maximum development limits are not exceeded.
- Overall Project Standards. The standard zoning requirements of El Paso County Land Use Code, as amended, including off-street parking, landscaping, site development, accessory and temporary uses, and use by special review and variance processes shall apply to this PUD, except as modified in Development Guidelines.

LEGAL DESCRIPTION

RETREAT AT TIMBER RIDGE PARCEL 1

A PORTION OF SECTION 21 AND 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASES OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., BEING MONUMENTED AT THE EAST END BY A 3-1/4" ALUMINUM CAP STAMPED "1928, 6830, 153, 862, 3.65" AND MONUMENTED AT THE WEST END BY A 3-1/4" ALUMINUM CAP STAMPED "1928, 6830, 153, 862, 3.65" AND MONUMENTED AT THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. BY A 3-1/4" ALUMINUM CAP STAMPED "2008, 851, 1037" AND IS ASSUMED TO BEAR S80°34'30"E, A DISTANCE OF 3025.64 FEET.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., SMD POINT BEING THE POINT OF BEGINNING;

THENCE N07°29'32"W ON THE WEST LINE OF THE WESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N89°40'11"E, A DISTANCE OF 2077.12 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE S71°41'10"W ON SMD EAST LINE, A DISTANCE OF 1217.12 FEET TO INTERSECT WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SMD SECTION 28;

THENCE N87°41'17"W ON SMD EAST LINE, A DISTANCE OF 1217.12 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SMD SECTION 28;

THENCE S89°40'11"E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SMD SECTION 28, A DISTANCE OF 1913.04 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,566.54 SQ. FEET, OR 36.00 ACRES.

RETREAT AT TIMBERLINE RIDGE PARCEL 2

A PORTION OF SECTION 21, 22, 27 AND 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASES OF BEARINGS: A LINE BETWEEN THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 27 AND THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, BEING MONUMENTED AT THE NORTHERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "2008, 851, 1037" AND MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "2008, 851, 1037" AND IS ASSUMED TO BEAR S07°54'30"E, A DISTANCE OF 3025.64 FEET;

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.;

THENCE S89°40'11"E, A DISTANCE OF 157.12 FEET TO THE WEST HALF OF SMD SECTION 27, A DISTANCE OF 3025.64 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SMD SECTION 27;

THENCE S89°40'11"E ON THE SOUTH LINE OF SMD NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1322.76 FEET TO THE SOUTHWEST CORNER OF SMD NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE S89°40'11"E ON THE WEST LINE OF SMD NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1316.78 FEET TO THE NORTHWEST CORNER OF SMD NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE S89°40'11"E ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 28, A DISTANCE OF 1326.68 FEET TO THE SOUTHWEST CORNER OF SMD SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE N00°29'32"W ON THE WEST LINE OF SMD SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 1270.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE AS RECORDED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE N21°14'10"E ON SMD EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1450.84 FEET TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SMD COUNTY RECORDS;

THENCE ON THE SOUTHERLY, EASTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF SMD DEED THE FOLLOWING FOUR COURSES:

- N89°40'23"E, A DISTANCE OF 781.52 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SMD SECTION 28;
- N00°29'32"W ON SMD EAST LINE, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SMD SECTION 27;
- N00°27'41"W ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 30.00 FEET;
- S89°40'23"E, A DISTANCE OF 786.82 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SMD COUNTY RECORDS;

THENCE N21°14'10"E ALONG SMD EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.96 FEET;

THENCE S89°40'23"E, A DISTANCE OF 147.97 FEET TO A POINT OF CURVE;

THENCE N89°40'23"E, A DISTANCE OF 542.98 FEET;

THENCE S89°40'23"E, A DISTANCE OF 44.50 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SMD SECTION 27;

THENCE N89°38'59"E ON SMD NORTH LINE, A DISTANCE OF 148.38 FEET;

THENCE N47°39'27"E, A DISTANCE OF 44.50 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SMD SECTION 27;

THENCE N89°38'59"E, A DISTANCE OF 512.38 FEET;

THENCE N89°38'59"E, A DISTANCE OF 182.64 FEET;

THENCE S00°19'04"E, A DISTANCE OF 1283.68 FEET TO A POINT THAT IS 30.00 FEET WESTERLY OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SMD SECTION 22;

THENCE S00°19'04"E ON A LINE THAT IS 30.00 FEET WESTERLY OF SMD PARALLEL, TO SMD EAST LINE, A DISTANCE OF 882.14 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SMD SECTION 22;

THENCE S89°38'59"W ON SMD SOUTH LINE, A DISTANCE OF 180.63 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 8,884.108 SQ. FEET, OR 204.98 ACRES.

LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY PERSONAL KNOWLEDGE AND INFORMATION, AND BELIEF IS CORRECT.

JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196

FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

DEVELOPMENT GUIDELINES

- Project Description. The Retreat@TimberRidge is a planned residential community located generally east of Vollermer Road between Poco Road and Arroya Lane in El Paso County, Colorado. The property consists of 262.92 acres of land. The Retreat@TimberRidge is sited as an upscale residential community focused on the Sand Creek Open Space Greenway that bisects the property from north to south.
 - Permitted Uses within The Retreat@TimberRidge PUD include Single Family Homes; open space, parks and trails.
- For lots 2.5 acres or greater in size the following additional uses are permitted:
- Agricultural Stand
 - Educational Institution, Public *
 - Manufactured Home, (Minimum Lot Size 10 Acres)
 - Manufactured Home, * (Minimum Lot Size 20 Acres)
 - Public Building, Way or Space
 - Ranch (Minimum Lot Size 10 Acres)
 - Tree Farm
 - Stables, Private
 - Permitted West of Vollermer Road only
- For lots 2.5 acres or greater in size the following uses are permitted as use as Special Use:
- Child Care Center
 - Stables, Commercial (Minimum Lot Size 20 Acres) *
 - Library *
 - Wind/Meteorological Measuring Facilities
 - Greenhouses >.5 Acre, excluding medical and agricultural production
 - Construction Equipment Storage and Field Offices,
 - Storage and Repair of Vehicles and Machines *
 - Wildlife Rehabilitation (Minimum Lot Size 20 Acres) *
- For lots 2.5 acres or greater in size, the following uses are permitted as use as Temporary Use:
- Tent Sales
- Accessory Uses:
 - For lots less than 2.5 acres in size, accessory uses shall be limited to:
 - Residential home occupations where no clients visit the home
 - Animal keeping of up to four pets, excluding chickens and pigeons
 - For lots 2.5 acres or greater in size, accessory uses shall be limited to:
 - Agricultural Accessory Structures and Uses (Associated with an allowed use)
 - Animal keeping
 - Bed and Breakfast Home *
 - Camp, Recreational
 - Cemetery, Personal (Minimum Lot Size 10 Acres)
 - Farm/Ranch Residence (Minimum Lot Size 35 Acres)
 - Hobby Farm
 - Home Occupation, Residential
 - Home Office
 - Mobile-in-Law Apartment
 - Personal Use Greenhouse
 - Residential Accessory Structures and Uses (Associated with an allowed use)
 - Solar Energy System
 - Stables, Private
 - Wind Powered Generator
 - Wildlife Rehabilitation (Minimum Lot Size 10 Acres)
 - Permitted West of Vollermer Road only
 - Permitted Accessory Structures for lots less than 2.5 acres in size shall be limited to:
 - Storage Shed
 - Deck, Detached, covered or uncovered
 - Pick Up
 - Portable Greenhouse
 - Antennas, radio facilities and satellite dishes
 - Solar energy systems
- Signs shall be permitted to identify entryways to and within The Retreat@TimberRidge community. There are two classes of signs: Major and Minor. The maximum size of a Major Community Entryway Sign shall be 100 square feet. The maximum size of a Minor Community Entryway Sign shall be 80 square feet. Sign size shall be measured by drawing the smallest rectangle around the text of the sign. For double sided signs, only one sign face shall contribute to the maximum size.
- Development Requirements:
 - Maximum lot coverage:
 - For lots less than 20,000 Sq. Ft., -45%
 - For lots with a minimum lot size of 20,000 Sq. Ft. -45%
 - For lots 2.5 acres and greater including Tract A - 20%
 - Maximum building height: thirty (30) feet.
 - Minimum Lot Size: 12,000 Sq. Ft.
 - Setback minimums:
 - For lots less than 20,000 square feet:
 - Front - 25 feet minimum
 - Corner Lots - 10 feet for non-grage front
 - Side - 7.5 feet minimum
 - Rear - 7.5 feet minimum
 - For lots with a minimum lot size of 20,000 square feet:
 - Front - 25 feet minimum
 - Corner Lots - 15 feet for non-grage front
 - Side - 7.5 feet minimum
 - Rear - 7.5 feet minimum
- For lots 2.5 acres and greater including Tract A:
 - Front - 25 feet minimum
 - Side - 25 feet minimum
 - Rear - 50 feet minimum, except that lots 20 - 28 shall have a rear yard setback of 100 feet minimum

SITE DATA

OWNERS: Arroya Investments LLC
1283 Kelly Johnson Blvd.
Colorado Springs, CO 80920

APPLICANT: Jacob Decoto
16850 Vollermer Rd
Colorado Springs, CO 80910

N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel: 719.471.0073
Fax: 719.471.0267
www.nescolorado.com
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TAX ID NUMBER: 5272000004; 5278000019;
5272000003; 5272000001;
5200000098; 5200000087;
5222000023; 5200000383

DEVELOPMENT SCHEDULE: 262.92 AC

SITE ACREAGE: 262.92 AC

CURRENT ZONING: RRL-5

PROPOSED ZONING: PUD

CURRENT LAND USE: Vacant

PROPOSED LAND USE: Residential: 212 Total Lots, 0.686 DU/AC
Phase A: 12 Lots
Lots 1-12, 2.5 AC Minimum
3.1 AC Average Lot Size

Phase B: 28 Lots
Lots 13-41, 2.5 AC Minimum
2.58 AC Average Lot Size

Phase C: 19 Lots
Lots 42-52, 1 AC Minimum
1.08 AC Average Lot Size

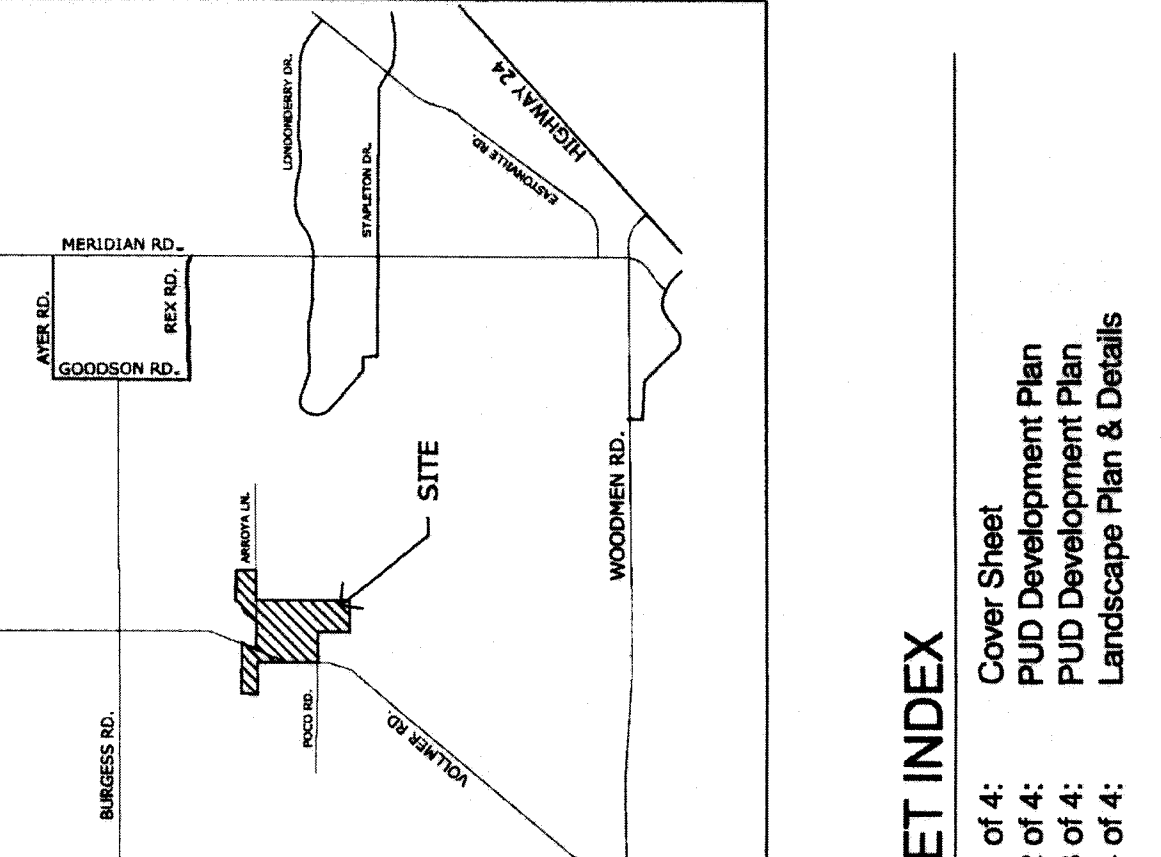
Phase D: 145 Lots
Lots 53-58 & 204-205, 100' x 150' Minimum
19,290 SF Avg. Lot Size

Phase E: 7 Lots Medium Density
Lots 59-203, 80' x 150' Minimum
15,300 SF Avg. Lot Size

Phase F: 7 Lots Medium Density
Lots 204-205, 100' x 150' Minimum
4.15 AC Average Lot Size

Open Space: 26.32 AC, 10.0% of Total site
- Open Space (Sand Creek Greenway): 22.53 AC
- Landscapes & Trails: 1.16 AC
- Detention/Water Quality: 4.07 AC
Max OS Uses 10% of Required 26.3 AC; 2.63 AC

VICINITY MAP



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel: 719.471.0073
Fax: 719.471.0267
www.nescolorado.com
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Retreat at TimberRidge
PUD Development Plan
EL PASO COUNTY, CO

DATE: 04/07/17
PROJECT NGR: J. MAYNARD
PREPARED BY: K. MARSHALL

SHEET INDEX

Sheet 1 of 4: Cover Sheet
Sheet 2 of 4: PUD Development Plan
Sheet 3 of 4: PUD Development Plan
Sheet 4 of 4: Landscape Plan & Details

Quick Response
04/11/2018 11:37:34 AM
Doc: \$1.00
Rec: \$43.00
Pages: 218040652

TRACT TABLE

TRACT	SIZE	USE	OWNERSHIP	MAINTENANCE
A	29,027 AC (1,264,419 SF)	Future Residential Lots	TimberRidge MetroDistrict	TimberRidge MetroDistrict
B	1,296 AC (56,448 SF)	Detention, Water Quality	TimberRidge MetroDistrict	TimberRidge MetroDistrict
C	0,865 AC (2,813 SF)	Signage, Landscape	TimberRidge MetroDistrict	TimberRidge MetroDistrict
D	0,251 AC (10,955 SF)	Detention, Water Quality	TimberRidge MetroDistrict	TimberRidge MetroDistrict
E	0,241 AC (10,500 SF)	Detention, Water Quality	TimberRidge MetroDistrict	TimberRidge MetroDistrict
F	17,794 AC (775,088 SF)	Regional & Local Trails, Existing Drainageway, Open Space	TimberRidge MetroDistrict + El Paso County Parks	TimberRidge MetroDistrict + El Paso County Parks
G	4,731 AC (206,104 SF)	Existing Drainageway, Open Space	TimberRidge MetroDistrict	TimberRidge MetroDistrict
H	2,279 AC (99,280 SF)	Detention, Water Quality, Local Trail	TimberRidge MetroDistrict	TimberRidge MetroDistrict
I	0,372 AC (16,224 SF)	Regional Trails, Landscape	TimberRidge MetroDistrict	TimberRidge MetroDistrict
J	0,366 AC (15,946 SF)	Regional Trails, Landscape	TimberRidge MetroDistrict	TimberRidge MetroDistrict
K	0,360 AC (15,685 SF)	Regional Trails, Landscape	TimberRidge MetroDistrict	TimberRidge MetroDistrict

Ownership Certification

I/We, Arroya Investments LLC, a (one of the following: qualified title insurance company, title agent, or attorney at law) duly qualified, insured, or licensed by the State of Colorado, do hereby certify that the above described title of all lands depicted and described herein and that the interest therein owner in fee simple by [Name] at the time of this application.

Notarized Signature: Robert Scott General Contractors
My Commission Expires June 17, 2018

Ownership Certification

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My Commission Expires June 17, 2018

Cover Sheet

DATE: 06-21-17
PROJECT NGR: KMM
PREPARED BY: KMM

DATE: 12-04-17
PROJECT NGR: KMM
PREPARED BY: KMM

DATE: 02-08-18
PROJECT NGR: KMM
PREPARED BY: KMM

DATE: 02-15-18
PROJECT NGR: KMM
PREPARED BY: KMM

DATE: 03-28-18
PROJECT NGR: KMM
PREPARED BY: KMM

County Certification

I hereby certify that this plan has been reviewed and found to be complete and in accordance with the 1972 PUD Board resolution or motion # [Number] and that the Board shall apply the El Paso County regulations. (Board Resolution # [Number])

Signature: [Name]
Title: [Title]
Date: 5/16/2018

County Certification

I hereby certify that this plan has been reviewed and found to be complete and in accordance with the 1972 PUD Board resolution or motion # [Number] and that the Board shall apply the El Paso County regulations. (Board Resolution # [Number])

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N.E.S., Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
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Retreat at TimberRidge

PUD Development Plan

EL PASO COUNTY, CO

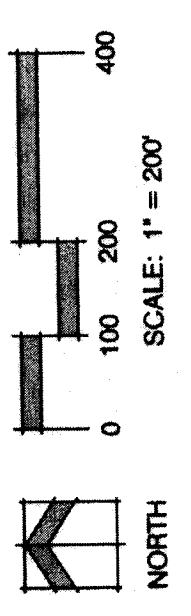
DATE: 04/07/17
PROJECT MGR: J. MAYNARD
PREPARED BY: K. MARSHALL

DATE	BY	DESCRIPTION
06-21-17	KMH	Per County Review Comments
09-05-17	KMH	Per County Review Comments
12-04-17	KMH	Per County Review Comments
02-08-18	KMH	Per County Review Comments
02-15-18	KMH	Per County Review Comments
03-28-18	KMH	Minor Guidelines Revisions

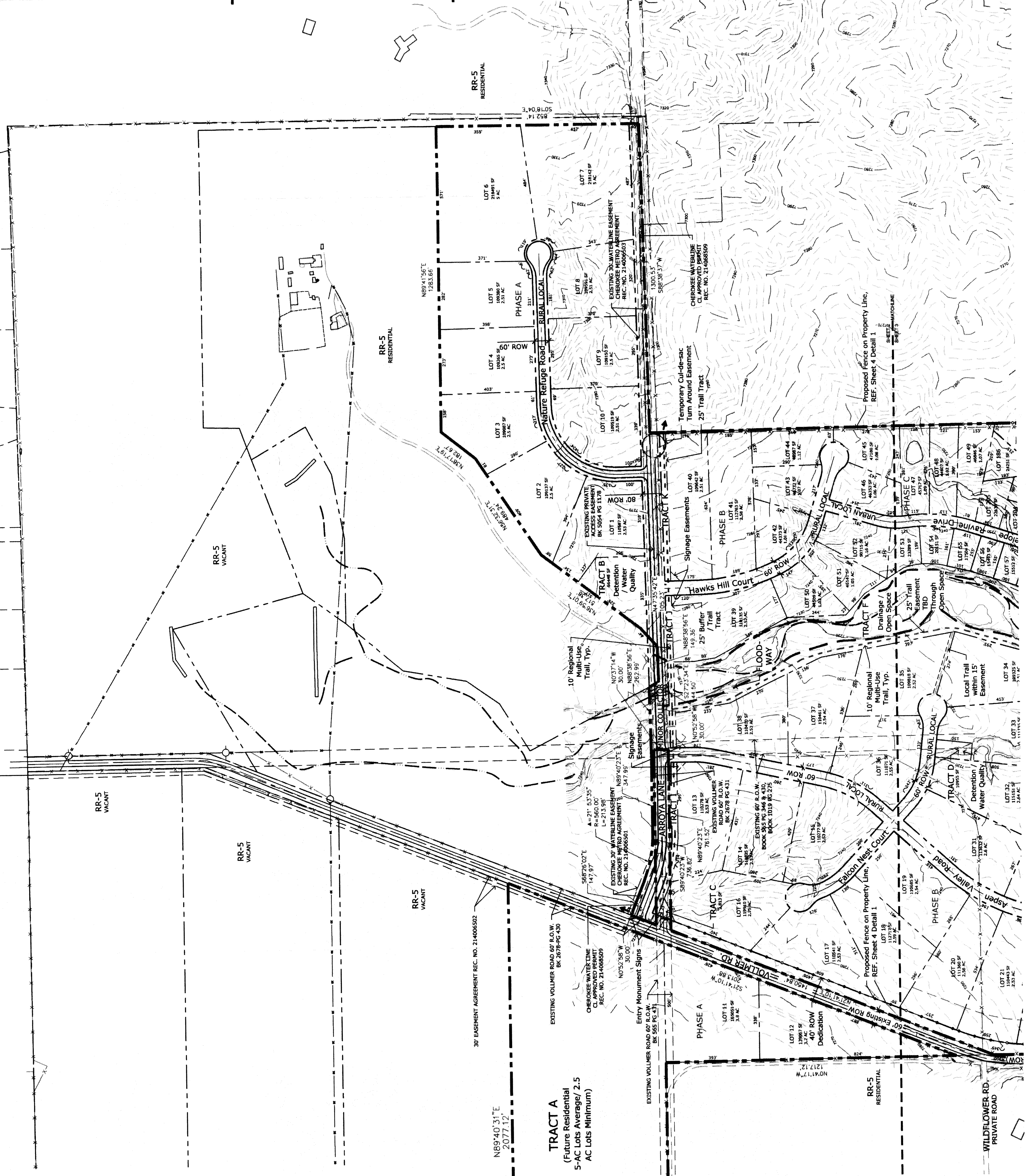
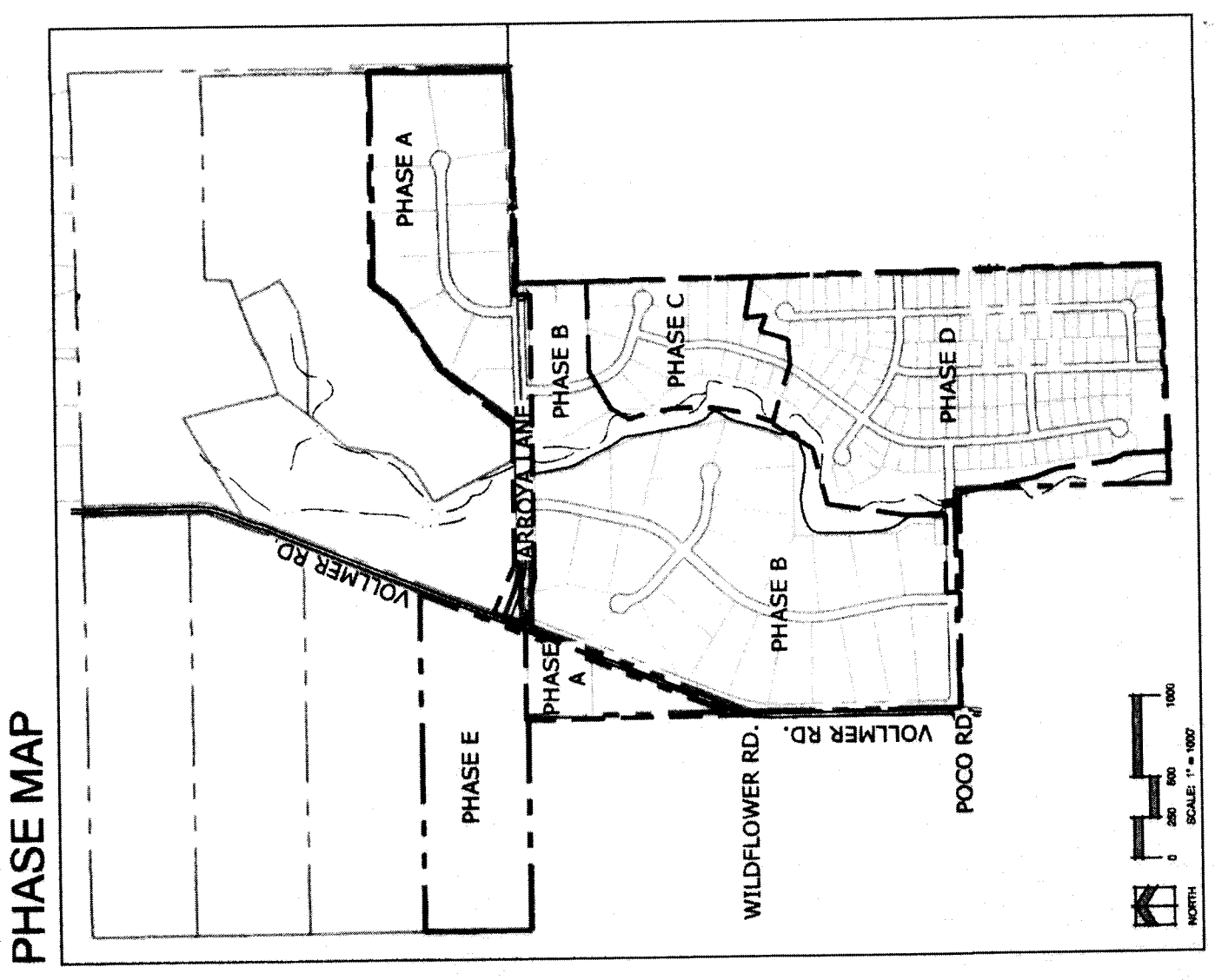
PUD DEVELOPMENT PLAN

2 OF 4

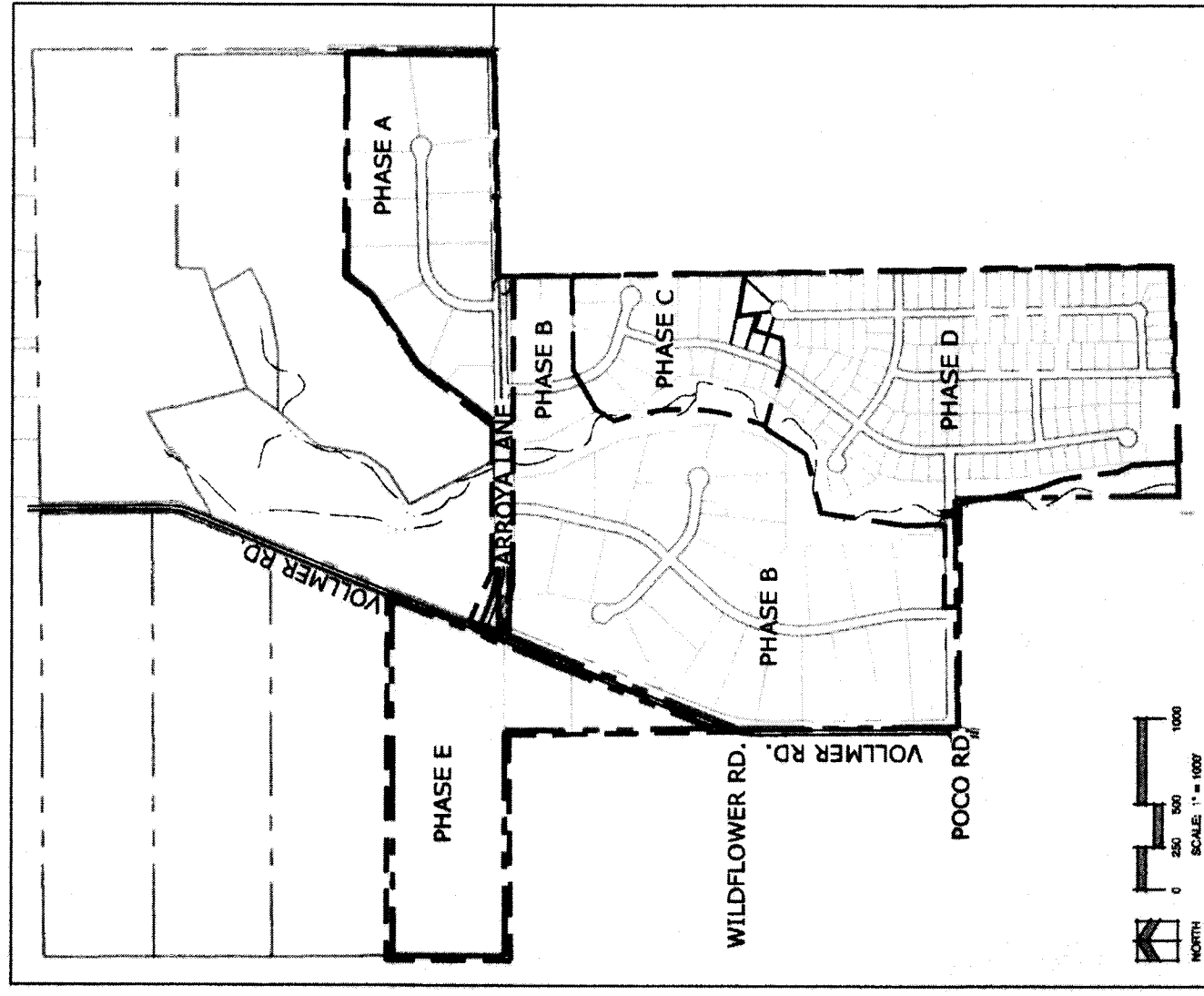
PUD 17-003



218040-0-2
A / 11/18



- PROPOSED RESIDENTIAL LOTS:**
- PHASE A**
12 Lots
Lots 1 - 12
Minimum 2.5 AC
 - PHASE B**
29 Lots
Lots 13 - 41
Minimum 2.5 AC
 - PHASE C**
19 Lots
Lots 42 - 52
Minimum 1 AC
 - PHASE D**
145 Lots
Lots 53 - 203
Minimum of 80' x 150'
 - PHASE E**
Future Residential Lots
7 Lots Maximum
Minimum 2.5 AC



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Retreat at TimberRidge

PUD Development Plan

EL PASO COUNTY, CO

DATE: 04/07/17
PROJECT MGR: J. MAYNARD
PREPARED BY: K. MARSHALL

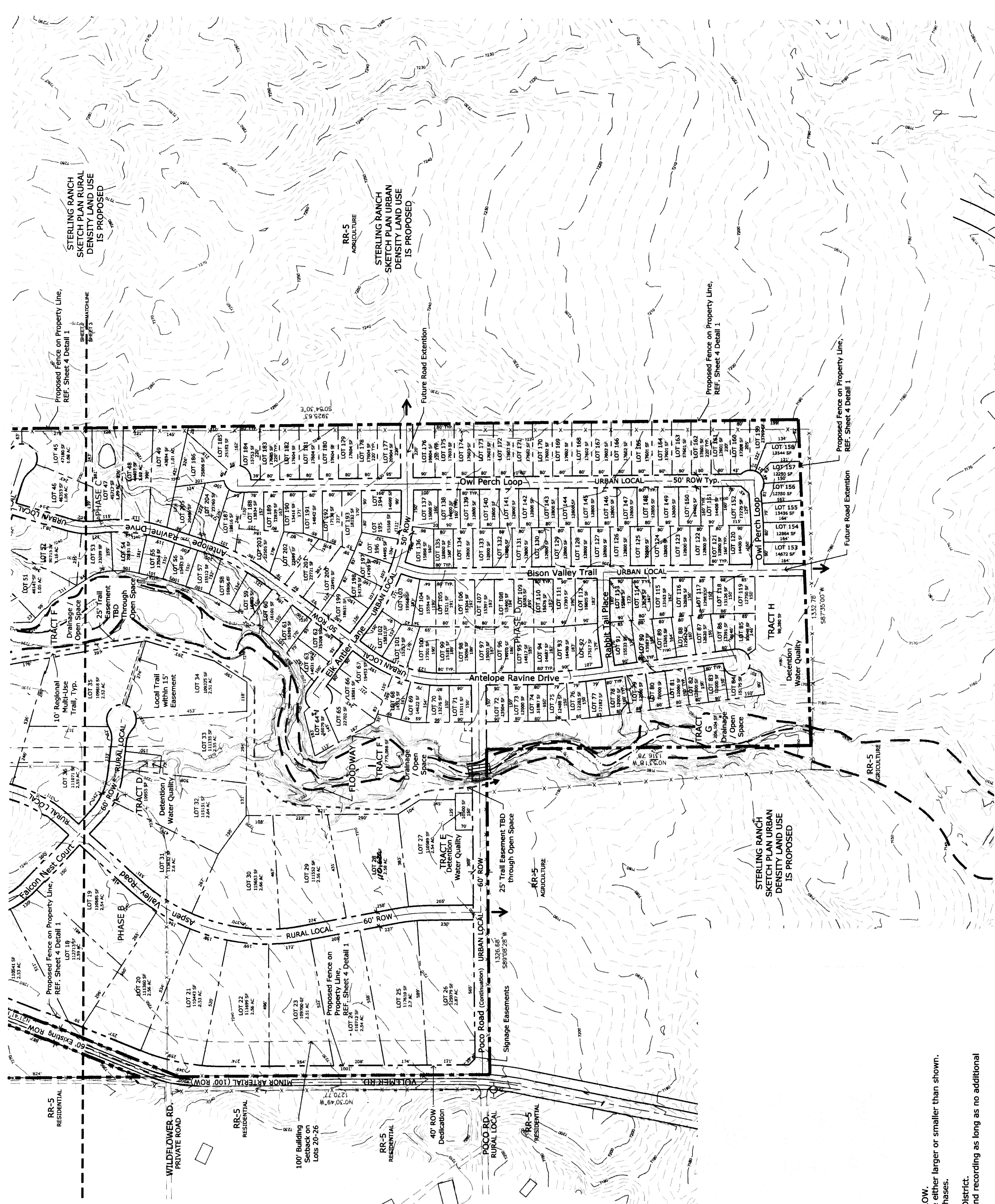
DATE	BY	DESCRIPTION
06-21-17	KMH	Per County Review Comments
09-05-17	KMH	Per County Review Comments
12-04-17	KMH	Density Revisions Per Review Comments
02-08-18	KMH	Per County Review Comments
02-15-18	KMH	Per County Review Comments
03-28-18	KMH	Minor Guideline Revisions

PUD DEVELOPMENT PLAN

3

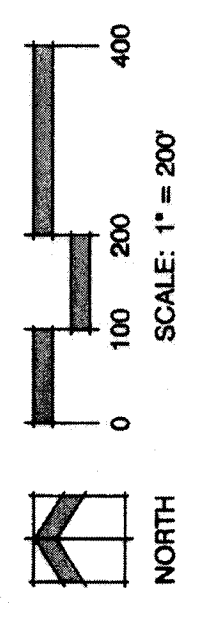
OF 4

PUD 17-003



- PROPOSED RESIDENTIAL LOTS:**
- PHASE A**
12 Lots
Lots 1 - 12
Minimum 2.5 AC
 - PHASE B**
29 Lots
Lots 13 - 41
Minimum 2.5 AC
 - PHASE C**
19 Lots
Lots 42 - 52
Minimum 1 AC
Lots 53 - 58 & 204 - 205
Minimum 100' x 150'
 - PHASE D**
145 Lots
Lots 59 - 203
Minimum of 80' x 150'
 - PHASE E**
Future Residential Lots
7 Lots Maximum
Minimum 2.5 AC

- GENERAL NOTES:**
- Arroya Lane will be reclassified as a Rural Collector with a 80' ROW.
 - Phases as shown are a general depiction and may change to be either larger or smaller than shown. No additional Land Use Approvals are to be required to adjust phases.
 - 25' Sand Creek Trail Easement to be field located.
 - All tracts will be owned and maintained by TimberRidge Metro District.
 - Minor adjustments to the PUD may be allowed without review and recording as long as no additional lots are created.



219044042
4/11/18

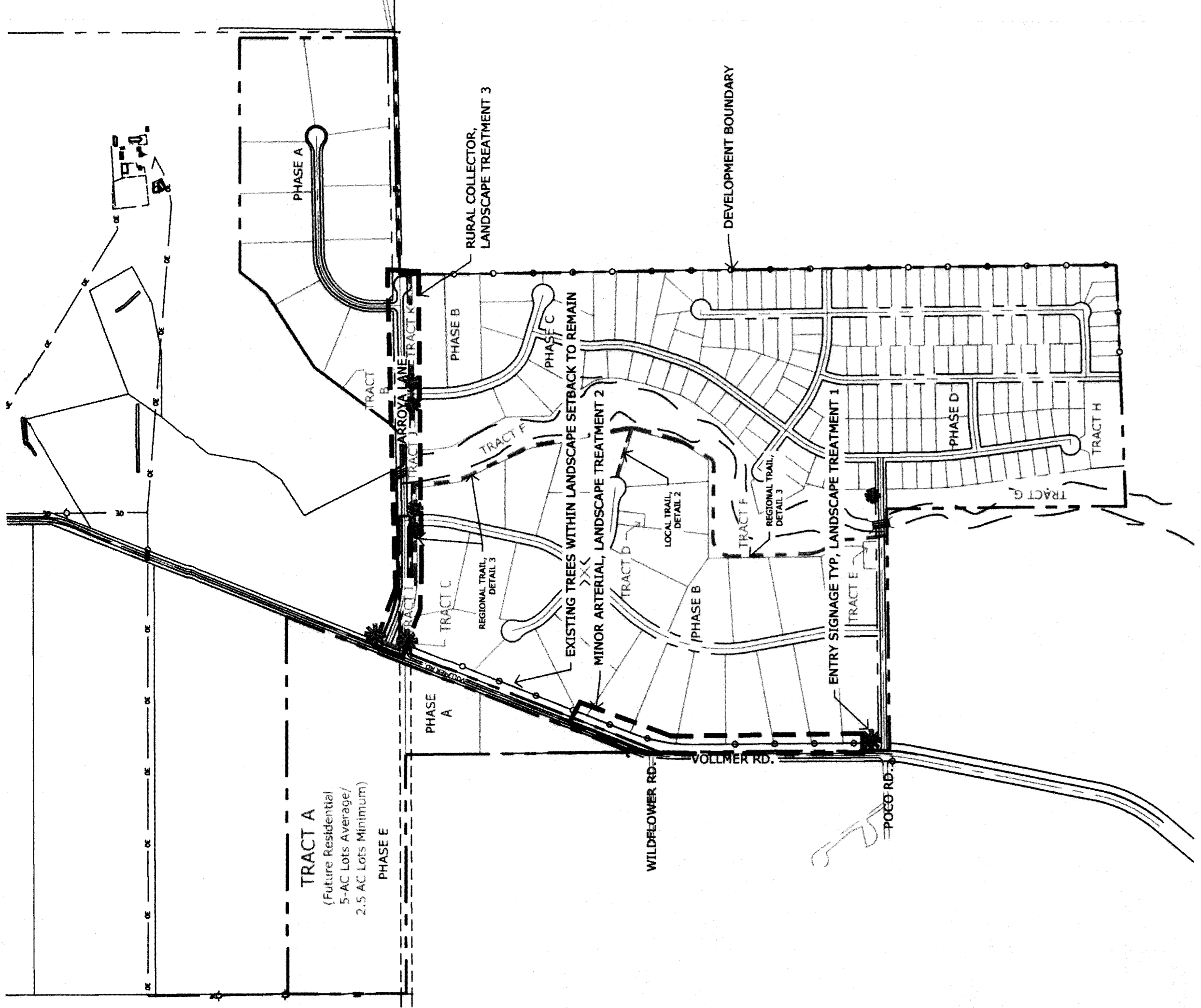
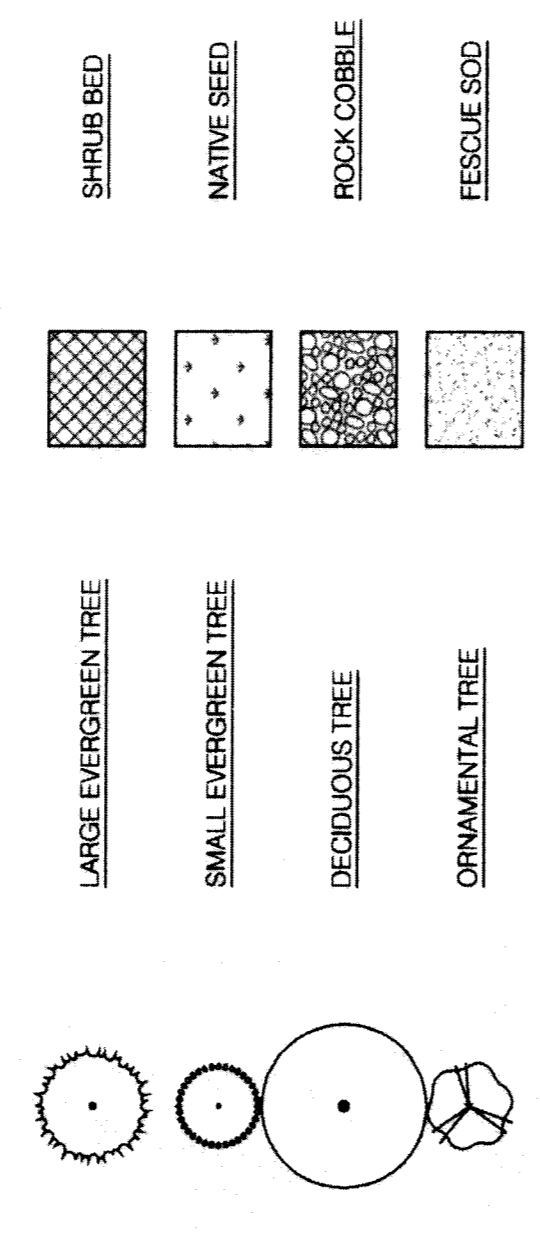
LANDSCAPE REQUIREMENTS

Street Name or Zone Boundary	Width (In Ft.) Req./Prov.	Trees/Feet Required
Vollmer Road	20' / 25'	1 / 25'
Minor Arterial	10' / 25'	1 / 50'
Rural Collector	20' / 25'	1 / 50'

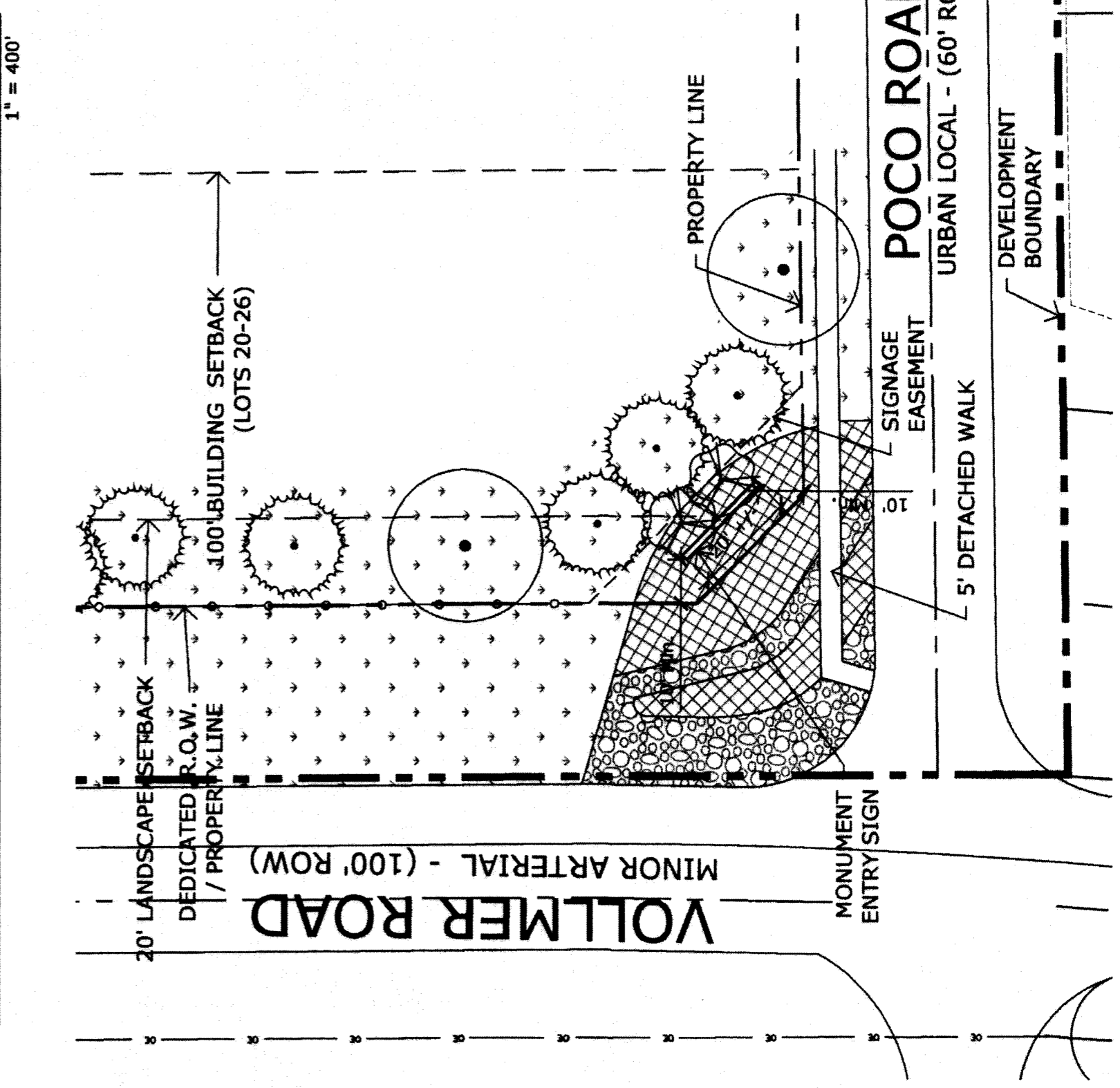
PRELIMINARY TREE SCHEDULE

DECIDUOUS TREES	HEIGHT	WIDTH	SIZE	COND.	KEY
Acer grandidentatum / Highland Park Bigtooth Maple	40'	25'	2" Cal.	B8B	Xeric
Celtis occidentalis / Common Hackberry	50'	30'	3" Cal.	B8B	Xeric
Gleditsia triacanthos / Honey Locust	60'	40'	3" Cal.	B8B	NonX
Gymnocladus dioica / Kentucky Coffee Tree	60'	50'	3" Cal.	B8B	NonX
Populus angustifolia / Narrowleaf Poplar	50'	30'	2.5" Cal.	B8B	NonX
EVERGREEN TREES	HEIGHT	WIDTH	SIZE	COND.	KEY
Abies concolor / White Fir	60'	30'	8" HT	B8B	NonX
Juniperus horizontalis / Rocky Mountain Juniper	30'	15'	6" HT	B8B	Xeric
Juniperus virginiana / Eastern Red Cedar	30'	10'	6" HT	B8B	Xeric
Picea pungens glauca / Baby Blue Eyes	45'	30'	6" HT	B8B	NonX
Pinus flexilis / Limber Pine	50'	40'	8" HT	B8B	Xeric
Pinus ponderosa / Ponderosa Pine	80'	40'	8" HT	B8B	Xeric
Pinus strobus / Southwestern White Pine	50'	30'	8" HT	B8B	NonX
ORNAMENTAL TREE	HEIGHT	WIDTH	SIZE	COND.	KEY
Crataegus crus-galli / Cockspur Hawthorn	30'	20'	2" Cal.	B8B	Xeric
Malus x 'Indian Magic' / Indian Magic Crab Apple	20'	20'	2" Cal.	B8B	NonX
Rhus glabra / Smooth Sumac	30'	25'	2" Cal.	B8B	Xeric
Rhus typhina / Smoke Tree	15'	10'	2" Cal.	B8B	Xeric

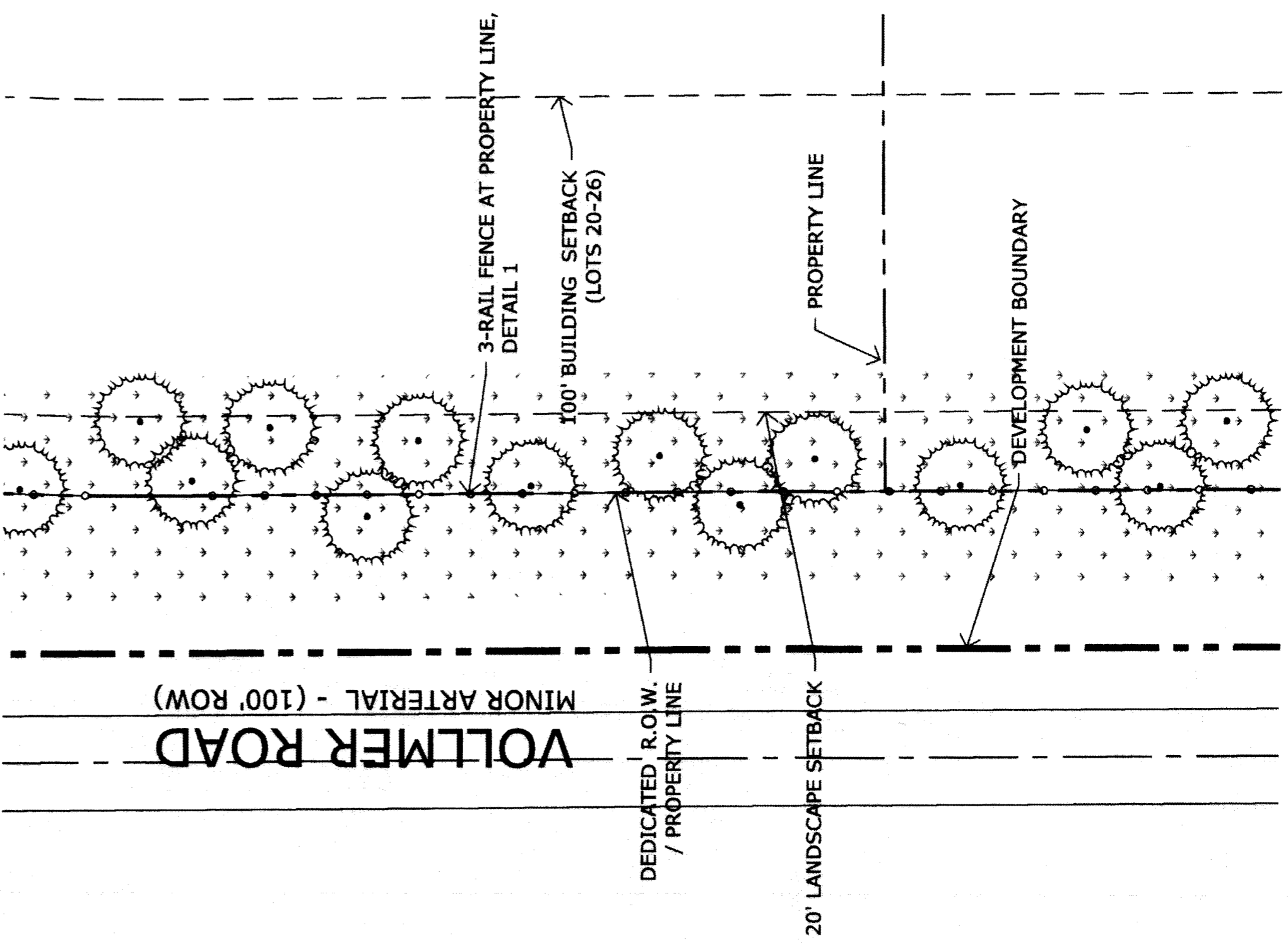
CONCEPT TREE & GROUND COVER LEGEND



OVERALL LANDSCAPE PLAN

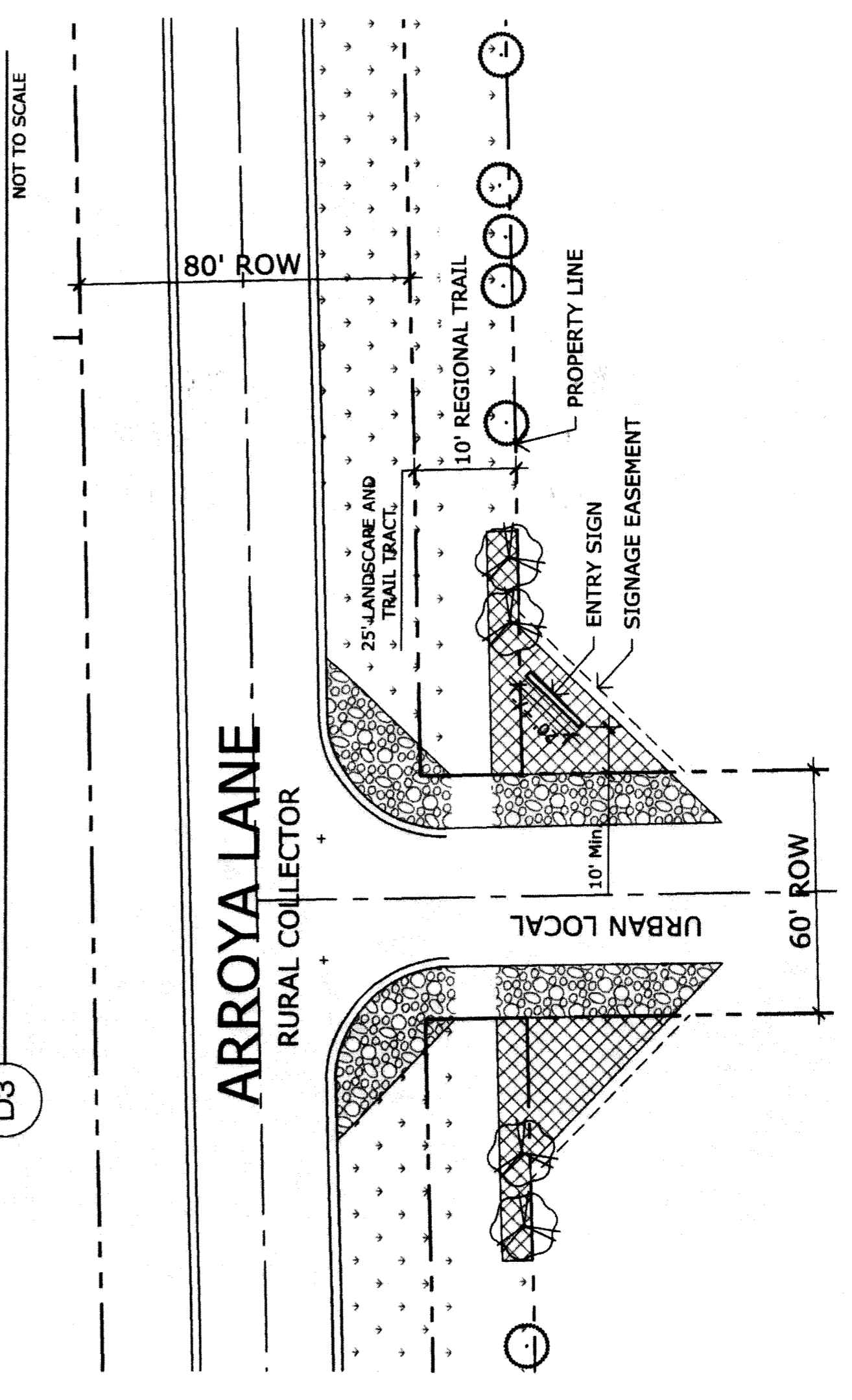


T1 MAIN ENTRY MONUMENT - TYPICAL LANDSCAPE PLAN
Scale: 1" = 30'

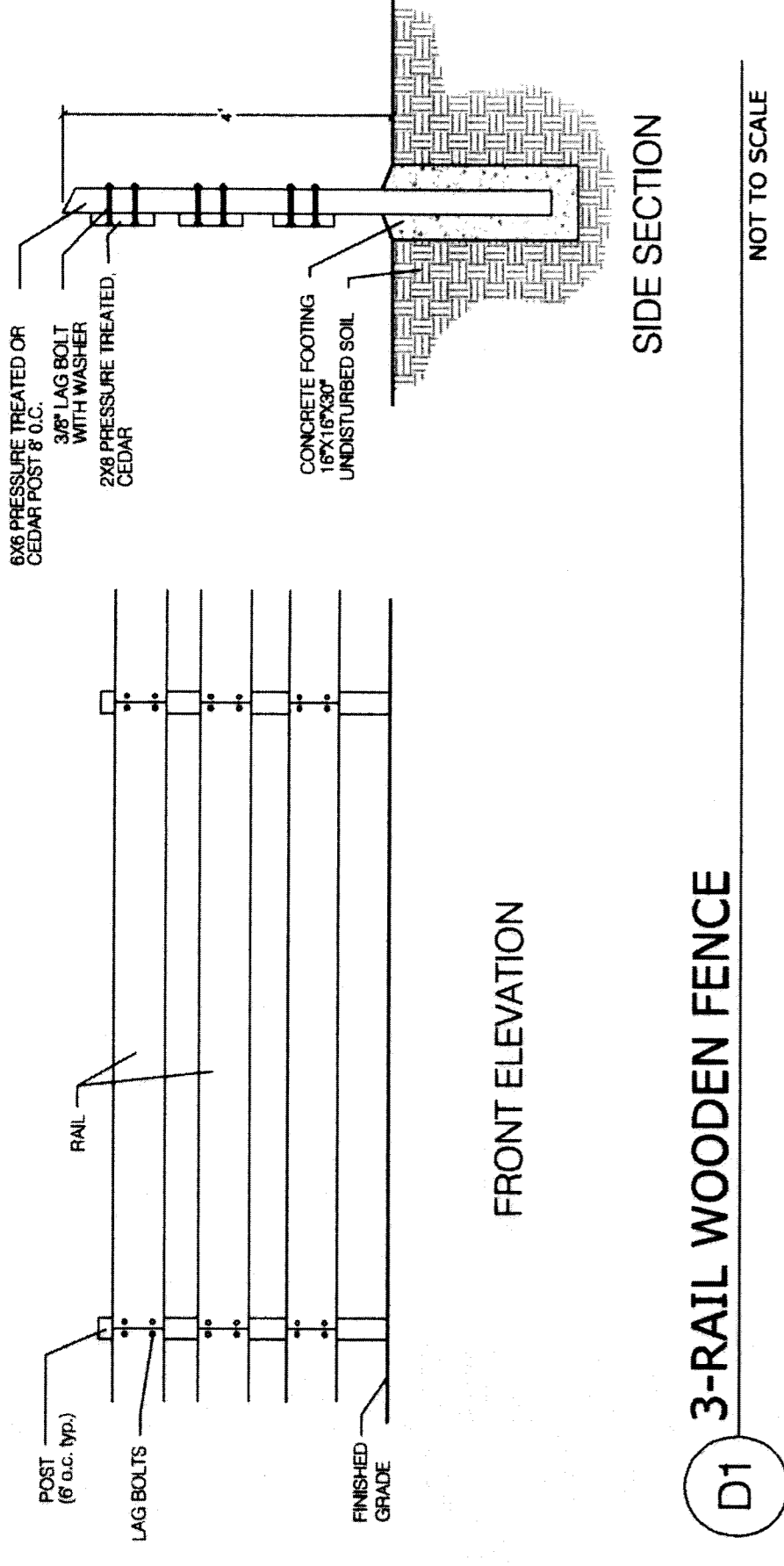


T2 VOLLMER ROAD - TYPICAL LANDSCAPE PLAN
Scale: 1" = 30'

BREEZE GRAVEL REGIONAL MULTI-USE TRAIL SECTION

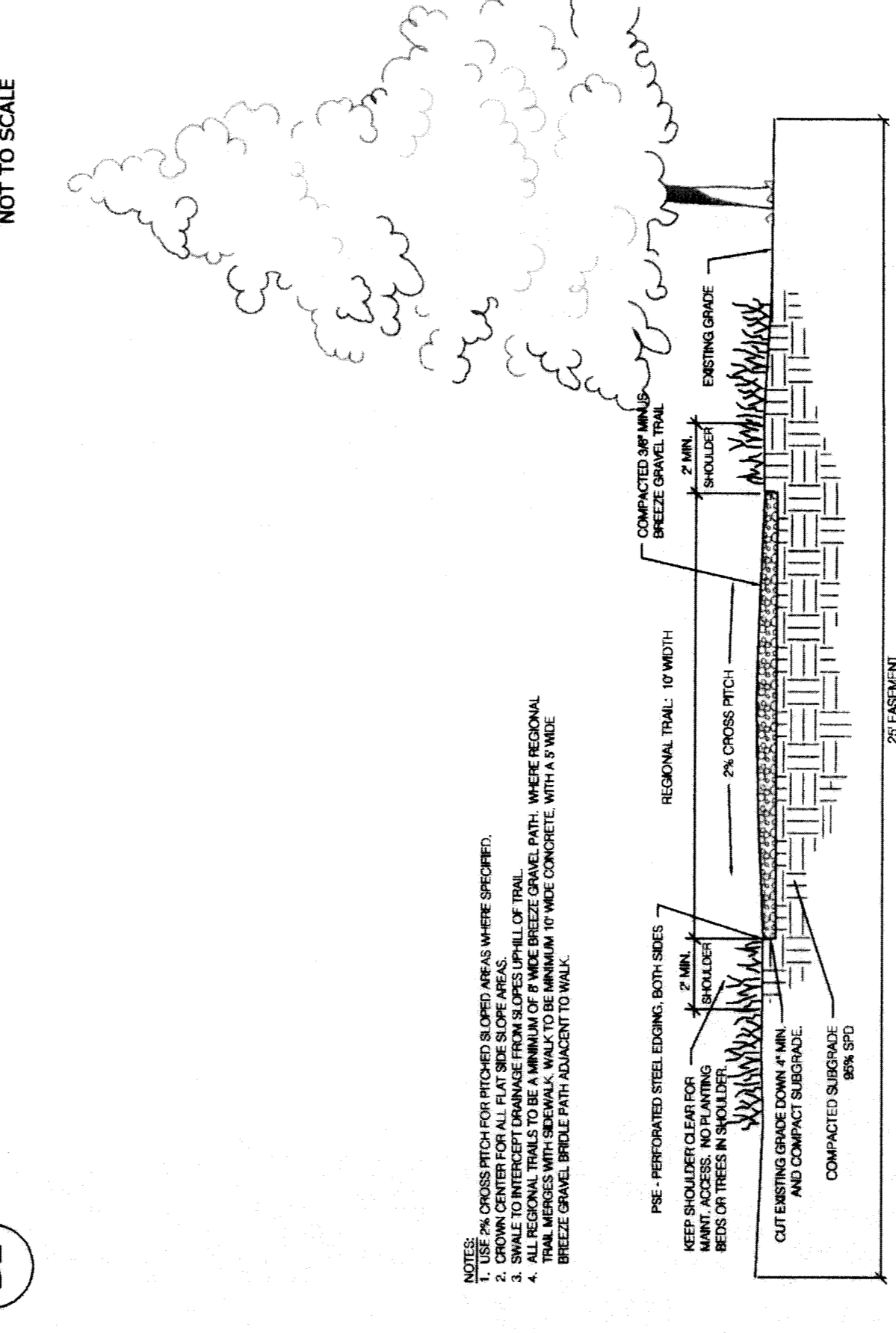


T3 ARROYA LANE - TYPICAL LANDSCAPE PLAN
Scale: 1" = 30'

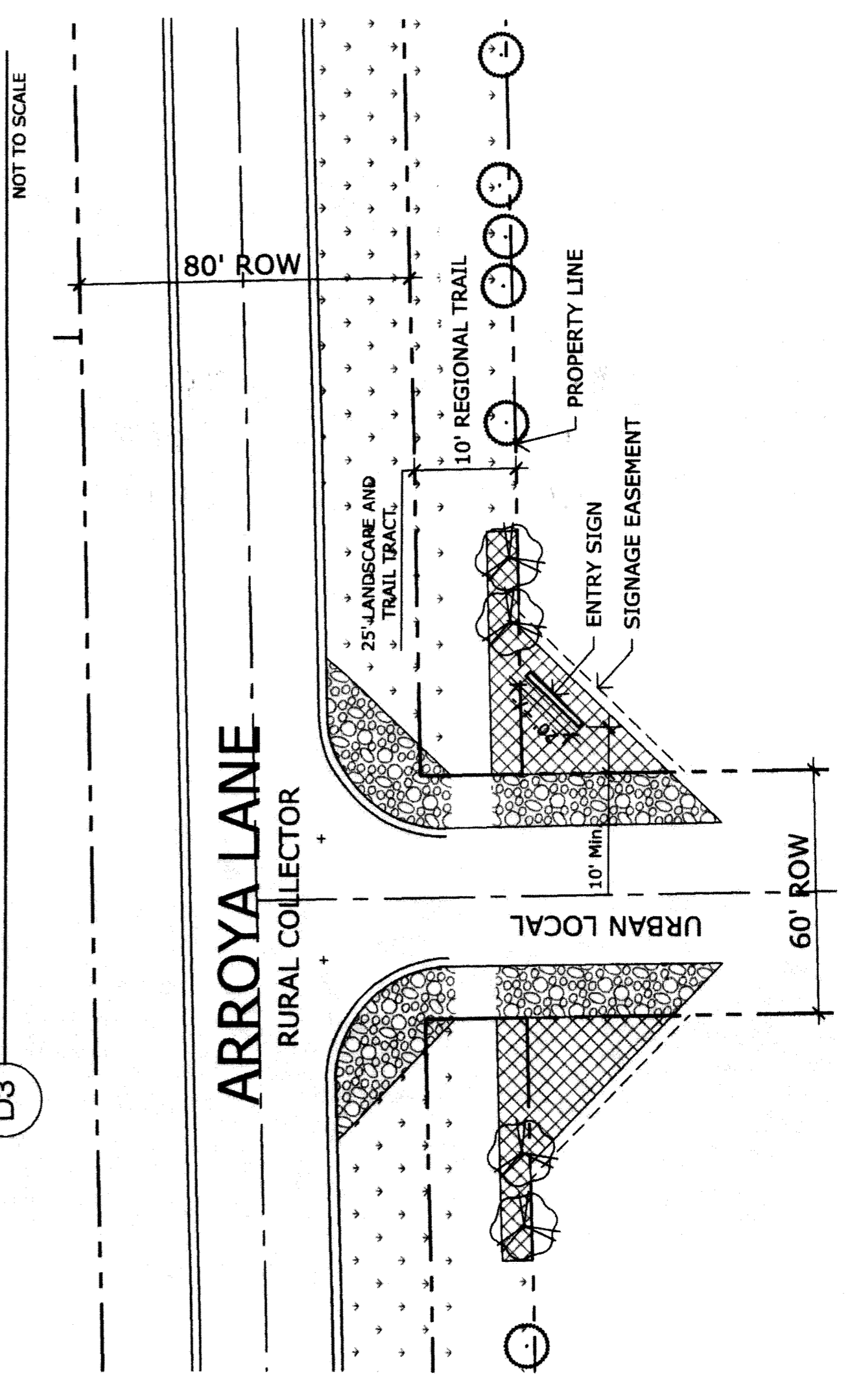


D1 3-RAIL WOODEN FENCE

D2 GRAVEL METRO. DISTRICT (LOCAL) TRAIL SECTION



D3 BREEZE GRAVEL REGIONAL MULTI-USE TRAIL SECTION



T3 ARROYA LANE - TYPICAL LANDSCAPE PLAN
Scale: 1" = 30'



October 10, 2023

Kari Parsons, Project Manager
El Paso County Planning and Community Development Department
Transmitted via EDARP portal: epcdevplanreview.com

Re: Retreat at TimberRidge Subdivision Filing No. 3
Part of the W ½ NW ¼ of Sec. 27 and NE ¼ NE ¼ of Sec. 28, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30579 - 2nd Letter

Dear Kari Parsons:

We have received the re-submittal concerning the above referenced proposal to subdivide a 44.578-acre tract of land into 33 new lots. Our records indicate that there are no existing wells located on the property. The proposed supply of water to the subdivision will be individual on-lot wells for 3 of the lots, with wastewater being disposed of through individual on-lot septic disposal systems (“rural lots”, previously a portion of “Phase 3”); along with 30 lots served by the Falcon Area Water and Wastewater Authority (FAWWA) (3 “rural” lots and 27 “urban lots”, previously “Phase 4” and a portion of “Phase 6”). This letter supersedes the comments in our letter dated January 10, 2023.

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal estimates a demand of 11.649 acre-feet for all intended uses in the subdivision. This includes 0.353 acre-feet/year/household for lots served by single family wells and septic (1.059 acre-feet/year total) and 0.353 acre-feet/year/household for lots served by a central system (10.59 acre-feet/year total)

Source of Water Supply

3 Rural Lots

For the rural lots (Lots 1-3), the anticipated source of water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to augmentation plans decreed by the Division 2 Water Court. The application documents list case nos. 18CW3002 and 16CW3035, however case no. 16CW3035 is for an unrelated property. The augmentation plan decreed by the Division 2 Water Court in case no. 18CW3002 uses water adjudicated in Case No. 17CW3002. According to the decree entered by the Division 2 Water Court in case no. 17CW3002, the following amounts of water shown in Table 1 were determined to be available underlying the 225.97-acre property that includes the 44.578-acre property that is the subject of this proposal.



Table 1. 17CW3002 Allocation under Arroyo Parcel (225.97 acres).

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	Not-nontributary	12,202	122.0	40.7
Denver	Not-nontributary	11,909	119.1	39.7
Arapahoe	Nontributary	9,796	98.0	32.7
Laramie-Fox Hills	Nontributary	6,440	64.4	21.5
Total		40,347	403.5	134.6

The plan for augmentation decreed in Division 2 Water Court case no. 18CW3002 allows for diversion of 9.32 acre-feet annually from the Dawson aquifer for a maximum of 300 years, or 0.32 acre-foot/year per lot. **This is less than the estimated demand of 0.353 acre-foot/year per lot.**

Applications for on lot well permits, submitted by an entity other than the current water right holder (Arroyo Investments, LLC), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

30 Rural and Urban Lots

For the rural and urban lots (Lots 4-33), the source of water is to be served by the Falcon Area Water and Wastewater Authority (“FAWWA”). A letter of commitment dated April 1, 2021 from Sterling Ranch Metropolitan District (predecessor to FAWWA) was provided with the referral materials committing to providing 58.95 acre-feet annually to the entire Retreat at TimberRidge subdivision. According to the Water Resources Report prepared by RESPEC dated September 15, 2023 (“Report”) and the information provided by John McGinn on September 25, 2023 to this office (as part of our review of the Sterling Ranch East Filing No. 5), the FAWWA has set aside 10.59 acre-feet/year for the Retreat at TimberRidge Filing No. 3.

Additionally, according to the Report and additional September 25, 2023 information, the FAWWA has a water supply of 1,930.03 acre-feet/year based on a 300-year supply consisting of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 08CW113, 17CW3002, 18CW3002, and 20CW3059 and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water). A summary of these water rights is provided in Table 3 of that Report. Because FAWWA anticipates serving 3,710 SFEs in 2040 and 7,310 SFEs in 2060, FAWWA may seek to connect with other water suppliers and investigate the use of lawn irrigation return flow (LIRF) credits and aquifer storage/recharge to increase its supply. Note that our office calculates that 1,929.85 acre-feet/year is available based on a 300-year supply. This discrepancy appears to originate from a difference in the quantity of water calculated to be available from case no. 91CW35. **The FAWWA should be aware that they are limited to the decreed amounts in 91CW35 which are as follows: 3,400 acre-feet from the Dawson aquifer, 7,600 acre-feet from the Denver aquifer, 4,900 acre-feet (not the 4,936 acre-feet claimed in Table 3) from the Arapahoe aquifer, and 3,600 acre-feet (not the 3,623 acre-feet claimed in Table 3) from the Laramie-Fox Hills aquifer.**

According to the Report, FAWWA has a total of 959.35 acre-feet/year of commitments, including the Rhetoric Subdivision and all other commitments through September 15, 2023. There are 970.5 acre-feet/year of uncommitted supply available to the FAWWA based on our estimate of 1,929.85 acre-feet/year of supply available to the FAWWA. Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

Allocation Approach

The proposed source of water for this subdivision is bedrock aquifers 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. 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 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. Additionally, according to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water allocated in the determinations are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts shown on attached Table 1 for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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." However, treating El Paso County's requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount which is greater than the annual demand of FAWWA's commitments and the annual estimated demand for rural lots being served by on-lot wells is 0.96 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

Additional Comments

The application materials indicate that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structure may be subject to 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 to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer's Office Opinion

Based on the above, and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), it is our opinion that the proposed water supply is **adequate** and can be provided **without causing material injury** to decreed water rights so long as the plan for augmentation is operated according to its decreed terms and conditions.

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 the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court and Ground Water Commission have retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers and identified in the subject Division 2 Water Court cases, were 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 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. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to section 37-90-137(4) C.R.S.

Please contact me at Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Wenli Dickinson, P.E.
Water Resource Engineer

Attachment: *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*



COLORADO

Division of Water Resources

Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado

February 11, 2016

The Division of Water Resources (DWR) has previously administered storm water detention facilities based on DWR's "Administrative Approach for Storm Water Management" dated May 21, 2011. Since the passage of Colorado Senate Bill 15-212, that administrative approach has been superseded. This document describes SB 15-212, codified in section 37-92-602(8), Colorado Revised Statutes (C.R.S.), and how the law directs administrative requirements for storm water management. The document is for informational purposes only; please refer to section 37-92-602(8) for comprehensive language of the law.

Pursuant to section 37-92-602(8), storm water detention facilities and post-wildland fire facilities shall be exempt from administration under Colorado's water rights system only if they meet specific criteria. The provisions of SB15-212 apply to surface water throughout the state. SB15-212 *only* clarifies when facilities may be subject to administration by the State Engineer; all facilities may be subject to the jurisdiction of other government agencies and must continue to obtain any permits required by those agencies.

Storm Water Detention Facilities

Pursuant to section 37-92-602(8), a storm water detention and infiltration facility ("Detention Facility") is a facility that:

- Is owned or operated by a government entity or is subject to oversight by a government entity, including those facilities that are privately owned but are required by a government entity for flood control or pollution reduction.
- Operates passively and does not subject storm water to any active treatment process.
- Has the ability to continuously release or infiltrate at least 97 percent of all of the water from a rainfall event that is equal to or less than a five-year storm within 72 hours of the end the rainfall event.
- Has the ability to continuously release or infiltrate at least 99 percent of all of the water from a rainfall event that is greater than a five-year storm within 120 hours of the end the rainfall event.
- Is operated solely for storm water management.



In addition, to qualify for the allowances provided in SB-212, the facility:

- Must not be located in the Fountain Creek watershed, unless the facility is required by or operated pursuant to a Colorado Discharge Permit System Municipal Separate Storm Sewer System Permit issued by the Department of Public Health and Environment pursuant to Article 8 of Title 25, C.R.S.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility cannot be operated as the basis for a water right, credit, or other water use right.
- Must not expose ground water.
- May include a structure or series of structures of any size.

If the Detention Facility was constructed *on or before* August 5, 2015 and meets all the requirements listed above, it does not cause material injury to vested water rights and will not be subject to administration by the State Engineer.

If the Detention Facility is constructed after August 5, 2015, meets the requirements listed above, and the operation of the detention facility does not cause a reduction to the natural hydrograph as it existed prior to the upstream development, it has a rebuttable presumption of non-injury pursuant to paragraph 37-92-602(8)(c)(II). A holder of a vested water right may bring an action in a court of competent jurisdiction to determine whether the operation of the detention facility is in accordance with paragraph 37-92-602(8)(c)(II)(A) and (B) has caused material injury. If the court determines that the vested water rights holder has been injured, the detention facility will be subject to administration.

In addition, for Detention Facilities constructed after August 5, 2015, the entity that owns, operates, or has oversight for the Detention Facility must, prior to the operation of the facility, provide notice of the proposed facility to the Substitute Water Supply Plan (SWSP) Notification List for the water division in which the facility is located. Notice must include: the location of proposed facility, the approximate surface area at design volume of the facility, and data that demonstrates that the facility has been designed to comply with section 37-92-602(8)(b) paragraphs (B) and (C). The State Engineer has not been given the statutory responsibility to review notices, however, DWR staff may choose to review notices in the course of their normal water administration duties. Not reviewing notices does not preclude the Division Engineer from



taking enforcement action in the event that the above criteria are not met in design and/or operation.

To satisfy the notification requirement, operators are encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal developed by Urban Drainage and Flood Control District (“UDFCD”), located at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Types of detention Facilities contemplated under this statute include underground detention vaults, permanent flood detention basins,¹ extended detention basins,² and full spectrum detention basins.³ Storm Water Best Management Practices⁴ (BMPs) not contemplated above, including all Construction BMPs and non-retention BMPs, do not require notice pursuant to SB-212 and are allowed at the discretion of the Division Engineer. Green roofs are allowable as long as they intercept only precipitation that falls within the perimeter of the vegetated area. Green roofs should not intercept or consume concentrated flow, and should not store water below the root zone. BMPs that rely on retention, such as retention ponds and constructed wetlands, will be subject to administration by the State Engineer.

Any detention facility that does not meet all of the statutory criteria described above, in design or operation, is subject to administration by the State Engineer.

¹ Flood detention basin: An engineered detention basin designed to capture and slowly release peak flow volumes to mitigate flooding (Urban Drainage and Flood Control, 2010).

² Extended detention basin: An engineered detention basin with an outlet structure designed to slowly release urban runoff over an extended time period (Urban Drainage and Flood Control, 2010).

³ Full spectrum detention basin: An extended detention basin designed to mimic pre-development peak flows by capturing the Excess Urban Runoff Volume and release it over a 72 hour period (Urban Drainage and Flood Control, 2010).

⁴ Best management practice: A technique, process, activity, or structure used to reduce pollutant discharges in stormwater (Urban Drainage and Flood Control, 2010).



Post-Wildland Fire Facilities

Pursuant to section 37-92-602(8), a post-wildland fire facility is a facility that:

- Includes a structure or series of structures that are not permanent.
- Is located on, in or adjacent to a nonperennial stream⁵.
- Is designed and operated to detain the least amount of water necessary, for the shortest duration of time necessary, to achieve the public safety and welfare objectives for which it is designed.
- Is designed and operated solely to mitigate the impacts of wildland fire events that have previously occurred.

In addition, to qualify for the allowances provided in SB-212, the facility:

- Must be removed or rendered inoperable after the emergency conditions created by the fire no longer exist, such that the location is returned to its natural conditions with no detention of surface water or exposure of ground water.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility will not be operated as the basis for a water right, credit, or other water use right.

If the post-wildland fire facility meets the requirements listed above, it does not cause material injury to vested water rights. While DWR recognizes that post-wildland fire facilities are essential to the protection of public safety and welfare, property, and the environment, DWR may, from time to time, request that the person who owns, operates, or has oversight of the post-wildland fire facility supply information to DWR to demonstrate they meet the criteria set forth above.

If a post-wildland fire facility does not meet all the criteria set forth above, it will be subject to administration by the State Engineer.

⁵ DWR may use the National Hydrography Dataset or other reasonable measure to determine the classification of a stream



Resources and References

Colorado Stormwater Detention and Infiltration Facility Notification Portal:
<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>

Colorado Senate Bill15-212:
http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212_enr.pdf

United States Geological Survey National Hydrography Dataset: <http://nhd.usgs.gov/>

Urban Drainage and Flood Control District 37-92-602(8) explanation memo and FAQ's:
<http://udfcd.org/crs-37-93-6028-explanation-memo-and-faqs/>

Urban Drainage and Flood Control District. (2010). *Urban Storm Drainage Criteria Manual: Volume 3, Best Management Practices*, updated November 2015. Located at:
<http://udfcd.org/volume-three>



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August 22, 2023

SP-22-7 Retreat at TimberRidge Filing No. 3
Final Plat

Reviewed by: Lori Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by TimberRidge Development Group LLC (“Applicant”), to subdivide an approximately 44.578 +/- acre tract of land into 33 single-family lots (“Property”). The subdivision is comprised of 3 lots that will utilize individual wells and 30 lots served by a central water system. The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. The Applicant has provided for the source of water for Lots 1-3 to derive from individual wells. As described in the *Water Supply Information Summary* (“WSIS”), the Applicant estimates its annual water requirements to serve 3 single-family lots at 0.96 acre-feet annually (0.32 acre-feet per lot). The Applicant would need to provide a supply of 288 acre-feet of water (0.96 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

The Applicant has provided for the source of water for Lots 4-33 to derive from a central water system – Falcon Area Water & Wastewater Authority (“FAWWA or Authority”). As described in the WSIS the Applicant estimates its annual water requirements to serve 30 single-family lots at 10.59 acre-feet annually (0.353 acre-feet per lot). The applicant will need to provide a supply of 3,177 acre-feet of water (10.59 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

ASSISTANT COUNTY ATTORNEYS

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MERI GERINGER
DOREY L. SPOTTS

Proposed Water Supply

3. The Applicant has provided for the source of water for 30 lots (Lots 4-33) to derive from FAWWA. The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from a variety of water rights, including on-site water from non-tributary and not non-tributary Denver, Arapahoe and Laramie-Fox Hills aquifer wells pursuant to the Water Decree in 20CW3059 and on-site rights at the Retreat at Timber Ridge. The *Report* indicates that the current total water commitment for FAWWA is currently at 900.76 annual acre-feet/300 years which includes active water commitments current through May 31, 2023. The current available water supply for FAWWA is now 1,930.03 annual acre-feet/300 years.

4. The Authority provided a letter of commitment for Retreat at TimberRidge Filing No. 3 dated May 15, 2023, in which FAWWA committed to providing water service for the 30 single family lots, for an annual water requirement of 10.59 acre-feet/year.

5. For the rural lots (Lots 1-3), the anticipated source of water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to augmentation plans as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Division 2 Water Court Case Nos. 18CW3002 (“Case No. 18CW3002” or “Decree” or “Augmentation Plan”). The augmentation plan decreed by the Division 2 Water Court in Case No. 18CW3002 uses water adjudicated in Case No. 17CW3002. The Applicant estimates its annual water requirements to serve 3 single-family lots at 0.96 acre-feet annually (0.32 acre-feet per lot). The Applicant would need to provide a supply of 288 acre-feet of water (0.96 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

The Property is a portion of a larger parcel subject to the decree issued by District Court Water Division 2 in 17CW3002. The following allocations were decreed for the larger parcel in that case:

Dawson Aquifer	12,202 AF
Denver Aquifer	11,909 AF
Arapahoe Aquifer	9,796 AF
Laramie-Fox Hills Aquifer	6,440 AF

In 18CW3002, the Water Court authorized the use of Dawson Aquifer water decreed in 17CW3002 and approved an augmentation plan therefor. The Decree approves 29 wells for the identified property, a portion of which includes the proposed 3 lots at issue here. The Decree authorizes each well to pump up to 0.32 acre-feet/year, for a total annual withdrawal from the Dawson Aquifer of 9.32 acre-feet for all 29 wells. Depletions during pumping will be replaced by residential return flows from non-evaporative septic systems. The Decree further requires that

2,796 acre-feet of water in the Laramie-Fox Hills Aquifer be reserved to provide for replacement of injurious post-pumping depletions.

Based upon the Decree in 18CW3002, Applicant must provide a supply of 288 acre-feet of water from the Dawson Aquifer (.32 acre-feet/lot x 3 lots x 300 years) for the 3 lots to be served by individual wells.

State Engineer's Office Opinion

6. In a letter dated January 10, 2023, the State Engineer's Office reviewed the application to subdivide the 44.578 +/- acres into 33 single-family lots. The proposed supply of water to the subdivision for 30 lots (Lots 4-33) will be served by FAWWA.

For the rural lots (Lots 1-3) the water is to be provided by on-lot wells producing from the Dawson aquifer pursuant to augmentation plans decreed by Division 2 Water Court.

Further, the State Engineer provided their opinion that “. . . pursuant to C.R.S. 30-28-136(1)(h)(l), it is our opinion that the proposed water supply can be provided without causing material injury to decreed water rights.”

Recommended Findings

7. Quantity and Dependability. Applicant's water demand for Lots 1-3 is 0.96 acre-feet per year for a total demand of 288 acre-feet for the 3 lots for 300 years. The Decree and Augmentation Plan in Case No. 18CW3002 permits withdrawal from the Dawson Aquifer of 9.32 acre-feet for all 29 wells which includes these lots.

Applicant's water demand for Lots 4-33 is 10.59 acre-feet per year for a total demand of 3,177 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 1029.40 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Retreat at TimberRidge Filing No. 3.**

8. Quality. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality for the 3 lots on wells.** Section 8.4.7(B)(10)(g) of the Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the Colorado Primary Drinking Water Regulations unless there is evidence to the contrary. **This presumption applies to the 30 lots being served by FAWWA.**

9. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated May 2023, the *Falcon Area Water & Wastewater Authority* letter dated May 15, 2023, and the *State*

Engineer Office's Opinion dated January 10, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

Applicable to Lots 1-3

A. Applicant and its successors and assigns shall comply with all requirements of the Decree and Augmentation Plan in Case Nos. 18CW3002 and 17CW3002, specifically that water use shall not exceed 0.32 acre-feet/year annually for the 3 lots for a period of 300 years. Stream depletions shall be replaced by residential return flows from non-evaporative septic systems.

B. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of the Decree and Augmentation Plan in Case Nos. 18CW3002 and 17CW3002.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 288 acre-feet of Dawson aquifer water, 96 acre-feet per lot, pursuant to Case No. 18CW3002 to satisfy El Paso County's 300-year water supply requirement for Lots 1-3 of the Retreat at TimberRidge Filing No. 3. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply. The Covenants must also reserve 289.23acre-feet in the nontributary Laramie-Fox Hills aquifer, 96.41 acre-feet per lot, to replace post-pumping depletions.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall

not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.”

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

“The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 2 Case No. 18CW3002 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

5) Advise of monitoring requirements. The Covenants shall advise the future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson and Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 2 Case No. 18CW3002 and C.R.S. § 37-90-137(4) and (10).

7) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Retreat at TimberRidge Filing No. 3 Subdivision pursuant to the plan for augmentation in District Court Water Division 2, Case No. 18CW3002. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to a Determination from the Division 2 Water Court approving such amendment, with prior notice to the El Paso County

Planning and Community Development Department for an opportunity for the County to participate in any such adjudication.”

8) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of the plan for augmentation in District Court Water Division 2, Case No. 18CW3002, are also terminated by order of the Division 2 Water Court, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

C. Applicant and its successors and assigns shall reserve in any deeds of the Property Dawson aquifer water in the decreed amount of 96 acre-feet (0.32 acre-feet per year) for each of the three lots individually. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

D. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Retreat at TimberRidge Filing No. 3. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

E. Applicant shall convey by recorded warranty deed the reserved 96.41 per lot acre-feet of water in the Laramie-Fox Hills aquifer water rights allocated for use in the augmentation plan to replace post-pumping depletions. Applicant shall recite in the deed that this water shall be used exclusively for augmentation supply and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein 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 the final plat. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 2 Case No. 18CW3002 and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, Case No. 18CW3002, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. 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. Applicant 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 used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

Applicable to Lots 4-33

I. Applicant and all future owners of lots within this filing shall be advised of and comply with the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Kari Parsons, Senior Planner

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2241
RETREAT AT TIMBERRIDGE FILING NO. 3

WHEREAS, TimberRidge Development Group, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Retreat at TimberRidge Filing No. 3 Subdivision for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on November 16, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code, as amended:

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either 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 the Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
5. 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 the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

WHEREAS, 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 the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition by TimberRidge Development Group, LLC for a final plat of Retreat at TimberRidge be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the Final Plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this Final Plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the Final Plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. 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.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.

7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, 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.
10. Park fees in lieu of land dedication for Regional Park Area 2, in the amount of \$15,180.00 and Urban Park Areas 2 and 3 in the amount of \$9,570.00 shall be paid at the time of Final Plat recordation.
11. Fees in lieu of school land dedication in the amount of \$10,098.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of Final Plat recording.
12. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/22/2023, as provided by the County Attorney's Office.
13. All existing access/egress easements depicted on planned public roadways shall be vacated or made to be subservient to the proposed public right of way prior to preliminary road acceptance.
14. Drainage fees and bridge fees for the Sand Creek drainage basin, in the amount of \$138,300.73 and \$63,390.24 respectively, are due at the time of final plat recording. If the channel and bridge improvements are approved as reimbursable items by the Drainage Board in a Drainage Basin Planning Study (DBPS) amendment, then if improvements are completed or collateralized at the time of Final Plat recording, drainage and bridge fees will be offset accordingly.
15. Arroya Lane improvements, including the intersection with Vollmer Road, shall be constructed with this Final Plat development.
16. All engineering documents, reports and plans associated with this Final Plat application shall be approved by the Department of Public Works prior to construction of public improvements and recording of Final Plat.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettepelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of ____ to ____ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 16th day of November 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTION: RETREAT AT TIMBERRIDGE FILING NO. 3

A PARCEL OF LAND BEING A PORTION OF SECTIONS 21, 22, 27 AND 28, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR S89°08'28"W A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING ALSO ON THE SOUTHERLY RIGHT OF WAY LINE OF POCO ROAD AS PLATTED IN RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N09°49'11"E, A DISTANCE OF 2334.95 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, SAID POINT BEING THE NORTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD, A DISTANCE OF 342.36 FEET TO A POINT ON THE SOUTHWESTERLY CORNER OF ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE N89°40'23"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 761.52 FEET TO THE SOUTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING ON THE EAST LINE OF SAID SECTION 28;

THENCE N00°52'58"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE N00°37'14"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 30.00 FEET TO THE NORTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE S89°40'23"W, ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 736.82 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, A DISTANCE OF 113.86 FEET;

THENCE S68°26'02"E, A DISTANCE OF 147.97 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°53'35", A RADIUS OF 560.00 FEET AND A DISTANCE OF 213.98 FEET TO A POINT OF TANGENT;

THENCE N89°40'23"E, A DISTANCE OF 347.83 FEET;
THENCE N88°38'55"E, A DISTANCE OF 1330.86 FEET;
THENCE S00°54'30"E, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE S00°54'30"E, A DISTANCE OF 1447.63 FEET TO THE NORTHEASTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015;

THENCE ON THE NORTHERLY AND EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING SEVEN (7) COURSES:

1. N77°00'00"W, A DISTANCE OF 251.41 FEET;
2. S07°30'00"E, A DISTANCE OF 198.00 FEET TO A POINT ON CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S07°30'00"E, HAVING A DELTA OF 83°24'30", A RADIUS OF 55.00 FEET AND A DISTANCE OF 80.07 FEET TO A POINT OF TANGENT;
4. S00°54'30"E, A DISTANCE OF 28.43 FEET;
5. S89°05'30"W, A DISTANCE OF 150.00 FEET;
6. S05°57'53"W, A DISTANCE OF 241.74 FEET;
7. S19°50'00"W, A DISTANCE OF 225.69 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1;

THENCE ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 THE FOLLOWING TWO (2) COURSES:

1. N71°41'17"W, A DISTANCE OF 83.46 FEET;
2. N53°22'30"W, A DISTANCE OF 243.17 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2;

THENCE ON THE EASTERLY AND NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING TWENTY (20) COURSES:

1. N36°37'30"E, A DISTANCE OF 10.00 FEET;
2. N53°22'30"W, A DISTANCE OF 150.00 FEET;
3. N36°37'30"E, A DISTANCE OF 200.00 FEET;
4. N35°37'50"E, A DISTANCE OF 108.98 FEET;
5. N27°50'00"E, A DISTANCE OF 94.45 FEET;
6. N19°43'22"E, A DISTANCE OF 95.70 FEET;
7. N18°00'00"E, A DISTANCE OF 100.00 FEET;
8. N17°19'01"E, A DISTANCE OF 103.72 FEET;
9. N03°30'00"E, A DISTANCE OF 107.28 FEET;
10. N16°19'41"W, A DISTANCE OF 155.30 FEET;
11. N41°00'00"W, A DISTANCE OF 256.15 FEET;
12. N00°00'00"E, A DISTANCE OF 208.46 FEET;
13. N86°05'18"W, A DISTANCE OF 253.40 FEET;
14. N90°00'00"W, A DISTANCE OF 378.68 FEET;
15. N12°00'00"E, A DISTANCE OF 183.00 FEET;
16. N78°00'00"W, A DISTANCE OF 490.00 FEET;
17. S12°00'00"W, A DISTANCE OF 307.77 FEET TO A POINT ON CURVE;
18. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S68°21'36"W, HAVING A DELTA OF 114°51'36", A RADIUS OF 60.00 FEET AND A DISTANCE OF 120.28 FEET TO A POINT ON CURVE;
19. N46°30'00"W, A DISTANCE OF 243.59 FEET;
20. N68°18'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 44.351 ACRES.