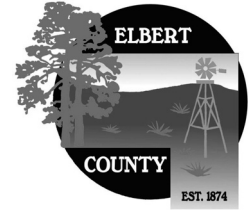


COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



Independence Subdivision Final Plat FP-16-0005

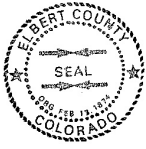
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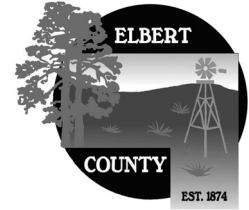
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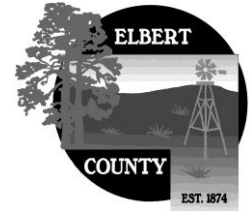
SECTION 1: STAFF REPORT



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES OFFICE

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303-621-3136 FAX: 303-621-3165



DATE: June 15, 2017

For the Elbert County Planning Commission meeting of

DATE: June 27, 2017

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP (BASELINE CORPORATION)
TODD RAND, PE (BASELINE CORPORATION)

THROUGH: VINCE HARRIS, AICP (BASELINE CORPORATION)

APPROVED: KYLE FENNER, DIRECTOR OF CDS

RE: **INDEPENDENCE SUBDIVISION FILING 1 FINAL PLAT (Case No. FP-16-0005)** A REQUEST TO APPROVE A FINAL PLAT TO SUBDIVIDE 1011.94 ACRES INTO 328 RESIDENTIAL LOTS, 22 TRACTS, AND RIGHT-OF-WAY IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

APPLICANTS: BLUEGREEN INVESTMENTS, LLC (landowner)

REPRESENTATIVE: TIM CRAFT, CRAFT BANDERA ACQUISITION COMPANY, LLC

ASSESSOR PARCEL NUMBERS: 7514200001, 7514300002

SUMMARY OF REQUEST

The applicant, Bluegreen Investments, LLC, requests approval of the Independence Subdivision Filing 1 Final Plat for the purpose of creating 328 single family residential lots and 22 tracts, and public right-of-way from a 1,011.94 acre property. This final plat proposes the first phase of development for the Independence Subdivision in accordance with the Independence Preliminary Plat. Central water and wastewater treatment facilities and associated infrastructure will be constructed to service the new homes and ultimately the future homes in later phases.

PERTINENT DATA

Site Description: The 1,011.94 acre site is located to the northeast of the intersection of County Road 1/CR 1/Delbert Road and Hilltop Road (CR 158) The Douglas-Elbert County line abuts the site's western boundary. CR 5 intersects Hilltop Road at the southern border of the site and heads south.

The land includes an existing residence, associated agricultural structures, and fences; the property has historically been used for ranching. The property is generally free of trees with the exception of some trees near the existing residence and farm buildings.

Topography: The property includes gently rolling hills and swales. Elevations range between 6,450 and 6,650 feet, and generally slope downwards from the west to the east.

Floodplain: There is a small area, approximately one acre, located in the extreme southeast corner of the property that has been determined to be within Zone-A of the 100-year floodplain. No development is planned for this area and there is no need for any improvements or requirements associated with it at this time.

Existing Zoning: The property is zoned Planned Unit Development (PUD) – Bandera East PUD and Bandera West PUD approved in 2009 by the Elbert County Board of County Commissioners (BOCC).

Surrounding Zoning

West: Large Rural Residential (LRR) (Douglas County)

South: Residential Agriculture 1 (RA-1), Residential Agriculture (RA), PUD (Hilltop Landing), and Agriculture (A)

East: Agriculture (A)

North: Agriculture (A)

Surrounding Land Use

West: Agriculture/ranching – no improvements

South: Single family residences, television radio tower, agriculture

East: Agriculture/ranching – no improvements

North: Agriculture with residences and agriculture without improvements

Utility Providers

Water and wastewater: The Independence Water & Sanitation District (in process to be formed) will build and operate new water and wastewater treatment plants to be located on site. Homes will have two water taps, one for potable water and one for non-potable irrigation water. Wastewater from the homes will be piped to the water resource and recovery facility, treated, and sent back in a system for each homeowner for outside irrigation use. This irrigation water will also be used on community-owned landscaping.

Gas: Black Hills Energy

Electric: Intermountain Rural Electric Association (IREA)

Communications: CenturyLink and Comcast

**Overview of Proposal
Site Data Chart**

| | |
|--------------------------------------|--------------|
| Lots (328) | 60.400 ac. |
| Tracts (22) | 911.255 ac. |
| Open Space, Drainage, Utility | 178.515 ac. |
| Future Development (Tracts U & T) | 731.799 ac. |
| MD Director's Parcels (Tracts D & E) | 0.941 ac. |
| Right-of-way | 40.29 ac. |
| Total Acreage | 1,011.94 ac. |

Lot Data

| | |
|----------------|----------------|
| Number of lots | 328 |
| Average size | 8,021 sq. ft. |
| Minimum size | 5,217 sq. ft. |
| Maximum size | 16,512 sq. ft. |
| Median size | 7,705 sq. ft. |

Independence Subdivision Filing 1 is a final plat that covers the entire 1,011.94 acres Independence property. The paved roadway network consists of a new collector road will be platted north from Hilltop Road (CR 158) at the intersection of County Road 5. The road within Independence is named Hancock Way. Road names are themed around the signers of the Declaration of Independence. With the filing of this final plat, right-of-way will be platted and dedicated to Elbert County (subject to the standard warranty period) for:

- All local roads within the first phase neighborhood
- Approximately 1,250 feet of Hancock Way serving the first phase neighborhood
- Widened Hilltop Road. Existing right-of-way for Hilltop Road varies from 60-feet to 80-feet. The Final Plat dedicates 60-feet of right-of-way north of the section line/centerline of Hilltop Road for future road widening for a total future right-of-way of 90-feet to 110-feet. The right-of-way is widest along the Hilltop Landing Subdivision.
- Right-of-way for a future CR 1/Delbert Road extension is dedicated along the western boundary of the plat. At a future date, the developer will dedicate the following to the County:
 - The remainder of CR 5/Hancock Way through the site
 - The applicant proposes to dedicate another 60-feet for CR 1/Delbert Road by separate document (deed) at a later date. Thus 120-feet of right-of-way is reserved from development. The portion of the new CR 1/Delbert Road next to Independence will be within Elbert County. An extension of CR 1/Delbert Road north from Independence to Singing Hills Road is envisioned, but is outside the bounds of the Phase 1 development but can be accommodated in a future/next phase with another final plat.
- The West Elbert County Transportation Master Plan (2008) Future Roadway System map calls for CR 1/Delbert Road to be built and improved as a four lane major arterial with 120-feet of right-of-way between Hilltop Road and CR 194/County Line Road.

The plat creates 328 lots for single family detached residences generally on the south and eastern portion of the property. The average lot size is 8,021 square feet. Open space tracts surround the neighborhood on all sides. The closest proposed platted lot is approximately 390 feet to the north of Hilltop Road.

There are 22 tracts in the proposed final plat. Many tracts will be owned by the Independence Overlay Metropolitan District, Independence Metropolitan District No. 1, and Independence Water and Sanitation District. These districts are in the process to be formed, as the service plans have been submitted to Elbert County for review and approval. Such plans are in review by County staff.

- Tracts A, M, N, O, P, R & S are for open space, drainage, and utility purposes and will be owned and maintained by the Independence Overlay Metro. District. These tracts comprise 16.729 acres.
- Tracts, B, C, F, G, & Q are for open space, drainage, and utility purposes and will be owned and maintained by the Independence Metropolitan District No. 1. These tracts comprise 19.053 acres.
- Tracts H, I, J, K, L & V are for open space, drainage, and utility purposes and will be owned and maintained by the Independence Water and Sanitation District. These tracts comprise 142.733 acres. The proposed water resource and recovery facility is located on Tract K. The potable water wells, pumping station, and storage tank is located on Tract L. The irrigation water reservoirs are on Tracts V and I. Tracts H and J make up a considerable portion of this filing's open space, 127.088 acres.
- All of the open space in Filing 1 is planned to be owned by a special district, which is a quasi-governmental entity. District ownership of the open space will ensure public access to these properties. The Elizabeth Park and Recreation District has consented to the formation of the Independence Districts and the provision of overlapping park and recreation-related services and facilities. It is anticipated that the Overlay District will operate and maintain all park and recreation-related facilities located within the Development, subject to a separate

Other tracts will not be owned by metropolitan districts.

- Tracts D and E are to be retained by the owner for special district director's parcels. These tracts comprise 0.941 acres/40.988 square feet.
- Tracts U and T comprise the remainder of Filing 1 that are not platted lots, rights-of-way, or tracts. These tracts are 731.799 acres and will be retained by the owner for platting of future neighborhoods/phases.

Landscape Plan

The Independence Landscape Plan consists of entry landscaping, boulevard landscaping, neighborhood parks, open space and trails. The entry landscaping will be located at the intersection of Hilltop Road and Hancock Way and will feature decorative fencing and signage. Boulevard landscaping will be installed along Hancock Way and includes native shade and evergreen trees as well as native shrubs and flowering ornamentals. Two neighborhood parks will feature shade trees, some turf, ornamental

plants and the possibility to include play and shade structures. Open space will include drainage corridors and will be preserved in their natural state.

A large trail system will connect all landscaped areas. An 8-foot paved trail will run along Hancock Way. Unpaved trails 1.5-feet in width will connect parks and other trails. In addition, an area located just north of the entry will be reserved for a community park. While this park will be further developed at a future time, the current plan includes trails, maintaining some existing buildings and the planting of native seed. Native seed will also be planted in all disturbed areas.

Variations

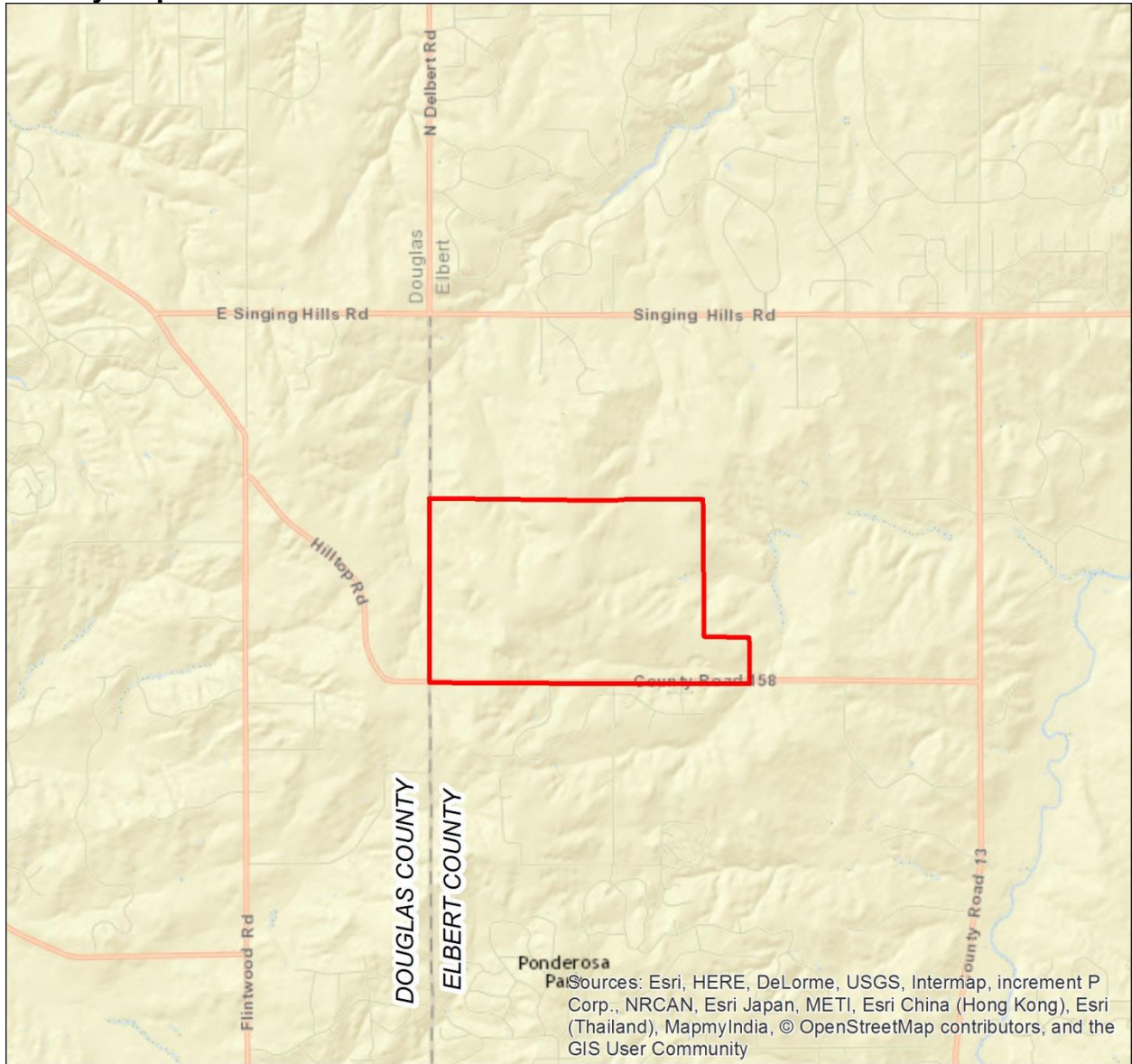
The applicant has requested two variations from the Elbert County Construction Standards and Specifications. Variations from the standards and specification are reviewed by the designated Road & Bridge Superintendent. Both variations seek to improve life safety, maintain the rural character of the county, among other reasons.

The two variations proposed are:

1. To allow a rural major collector along CR 5 (Hancock Way) from Hilltop Road north through the site. A modified roadway section is proposed to allow a 6-foot bicycle lane on one side and a separated 8-foot multi-use trail on the other.
2. To allow a modification of the Local Type II Roadway from 36-feet to 32-feet wide.

As of the date of this report, a decision has not been rendered on the variations. The designated Road & Bridge Superintendent is reviewing the variance requests.

Vicinity Map

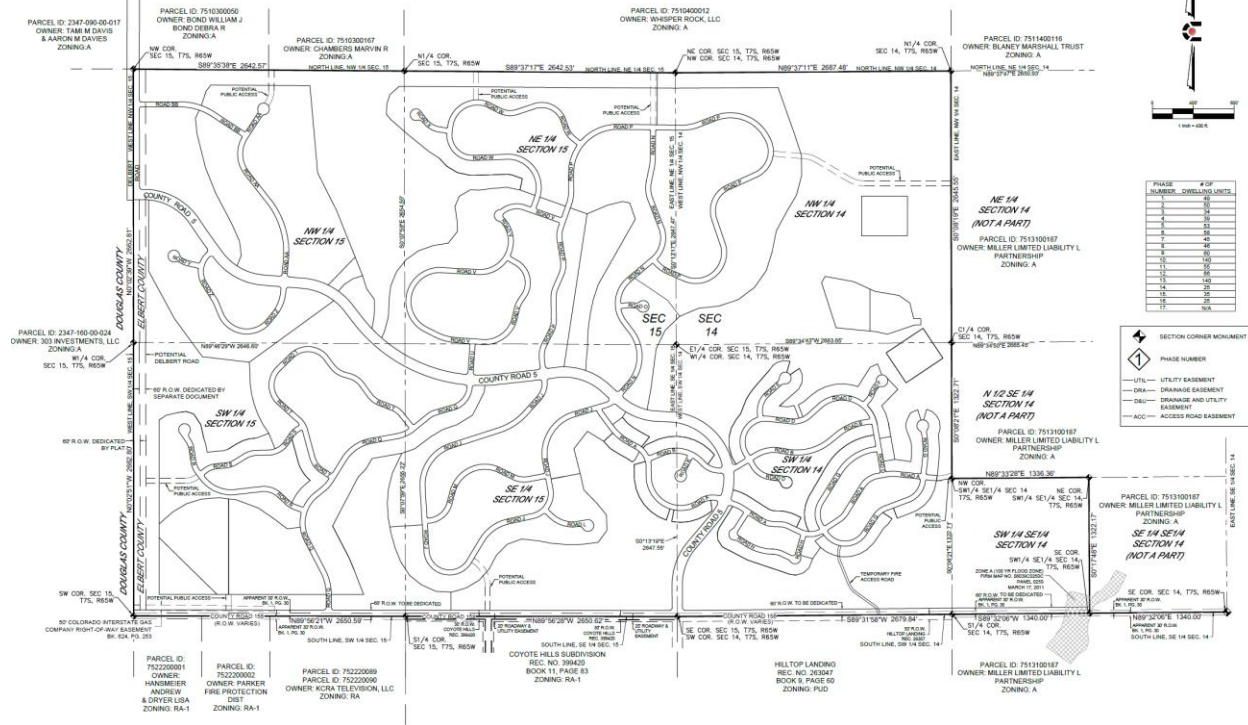


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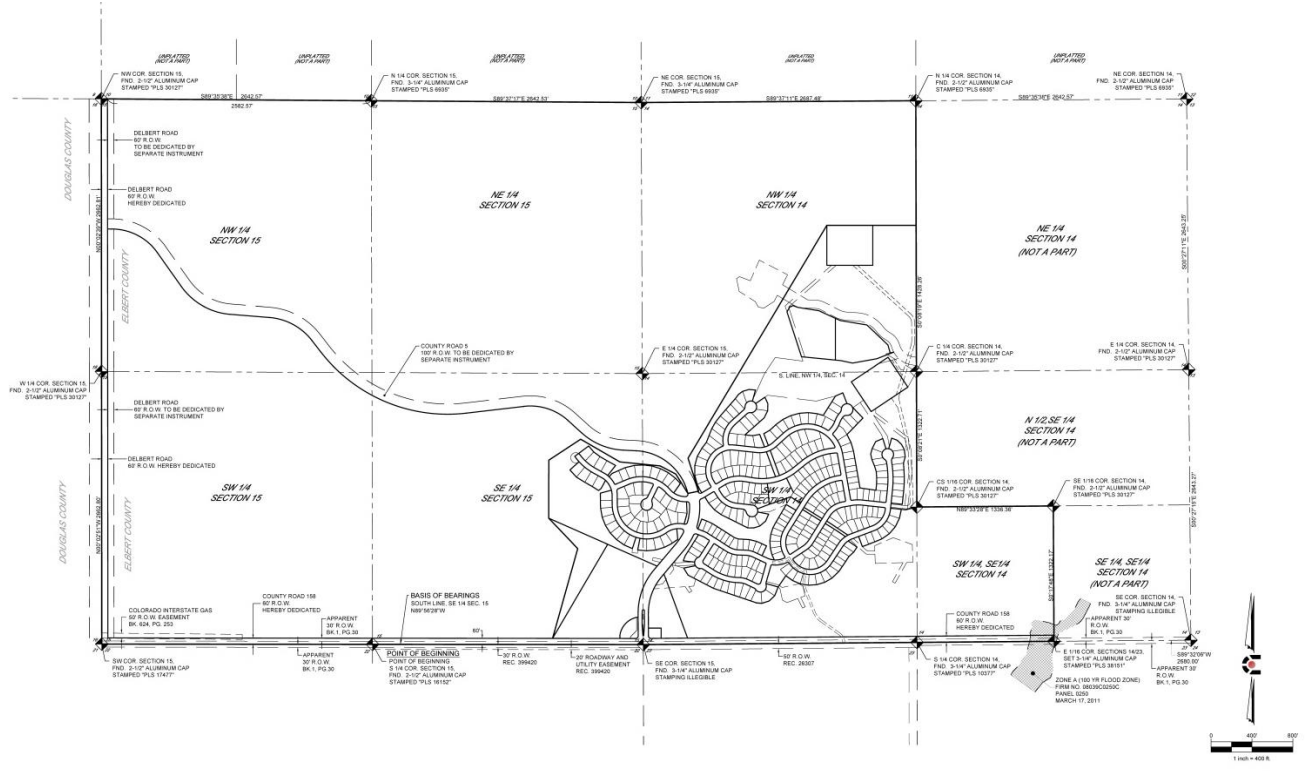


Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

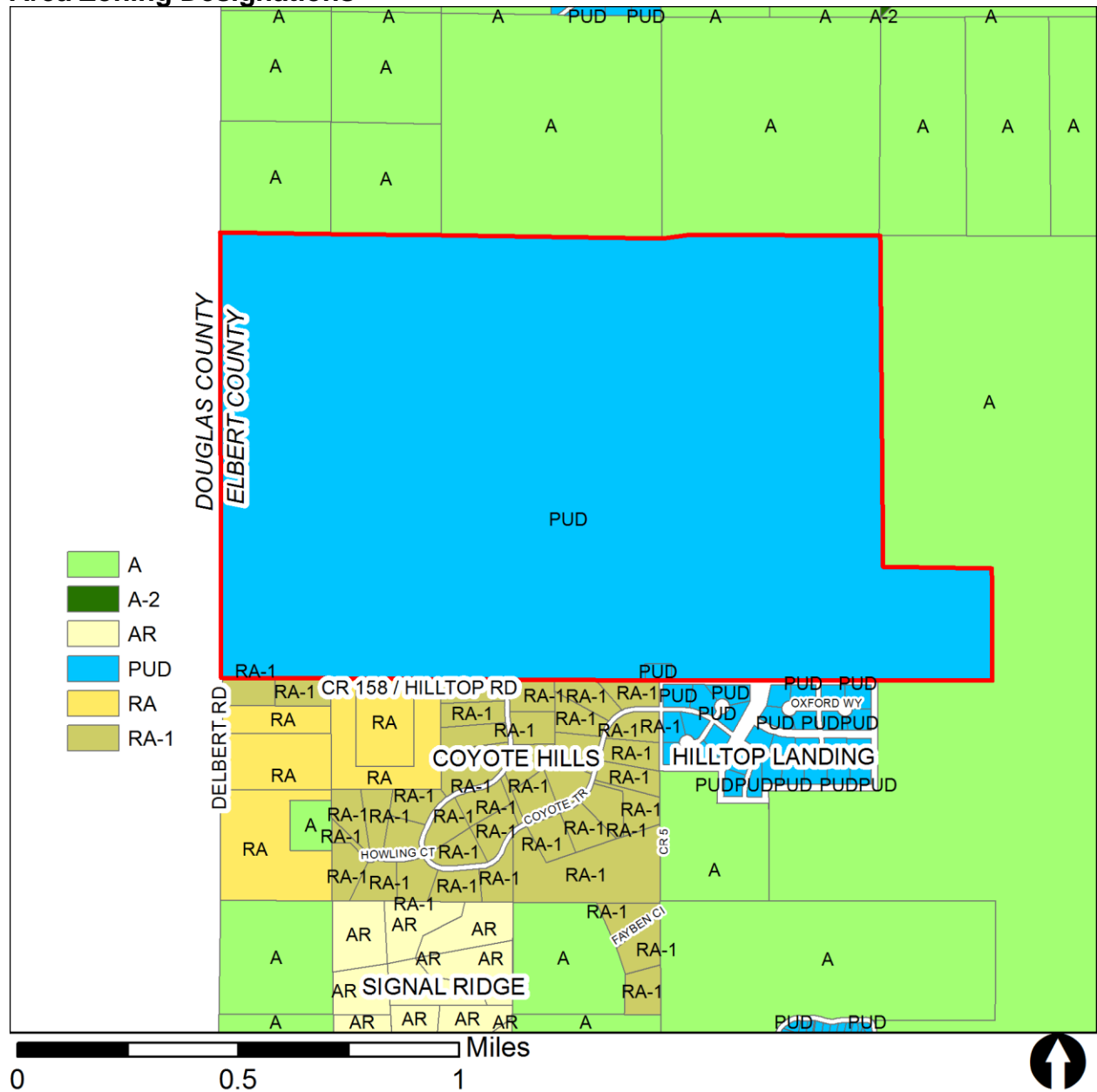
Preliminary Plat



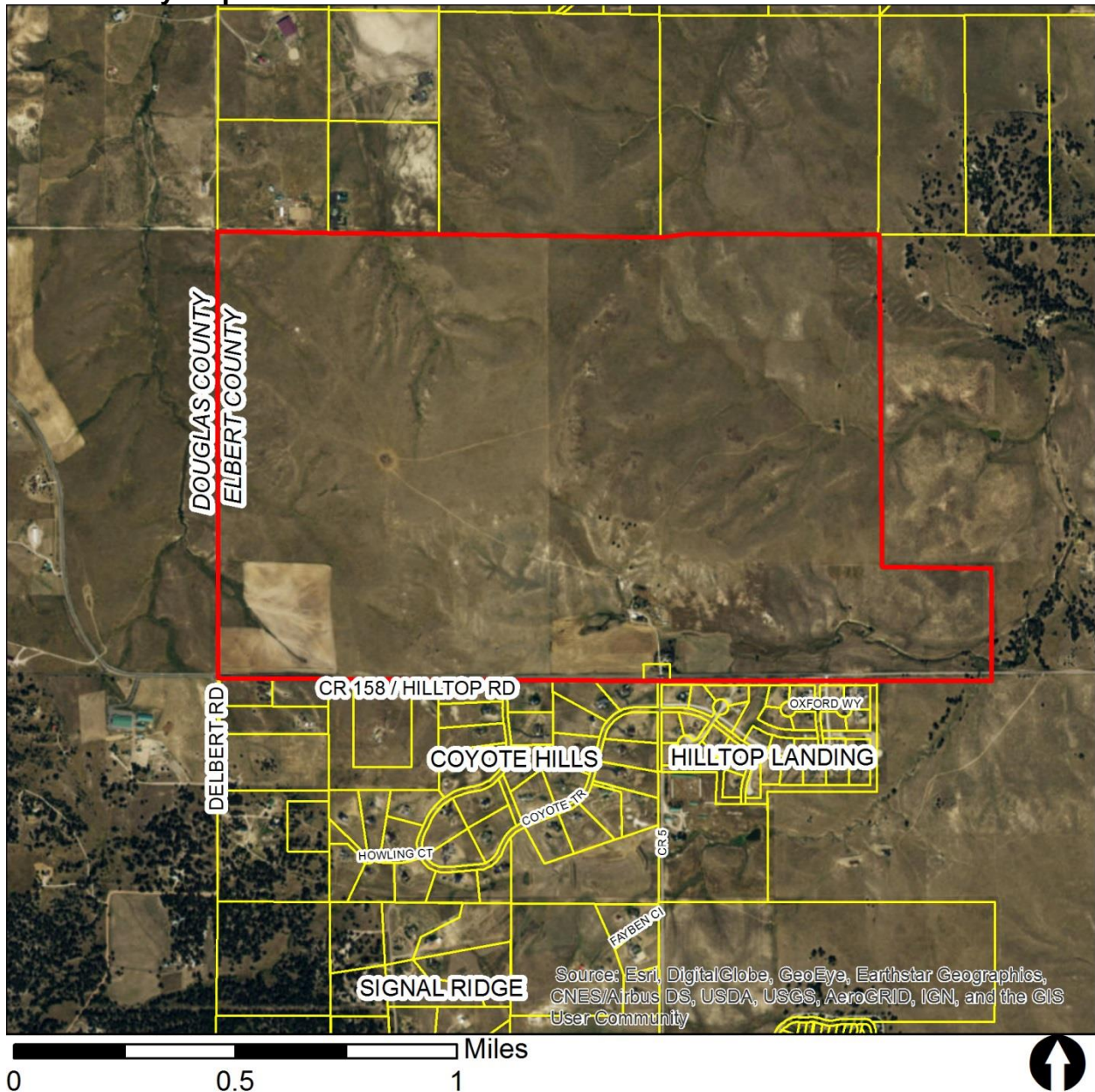
Filing 1 Final Plat



Area Zoning Designations



Area Vicinity Map



BACKGROUND

The project now known as Independence was originally known as Bandera and is located on the old Bentley Ranch. The Bandera development has a history of land use applications dating to 2008. Bandera was reviewed as two cases, Bandera East and Bandera West. Bandera East was approved for 214 dwelling units and Bandera West was approved for 706 dwelling units, for a total of 920 dwelling units on the property.

Previous Case History

The Elbert County Board of County Commissioners approved Resolution No. 09-13 on February 11, 2009 which conditionally approved the Bandera East PUD, Bandera East

Preliminary Plat, and Bandera East 1041 Permit. The Bandera East PUD Exhibit and Development Standards is recorded at reception number 201287.

The Elbert County Board of County Commissioners approved Resolution No. 09-14 on February 11, 2009 which conditionally approved the Bandera West PUD, Bandera West Preliminary Plat, and Bandera West 1041 Permit. The Bandera West PUD Exhibit and Development Standards are recorded at reception number 201288. Together, these two PUDs govern the site and have identical development standards.

Together, the intent indicated and approved of the two Bandera PUD's is:

“Bandera is a residential development planned with a pedestrian friendly trail system designed around community open space, a community school and active parks. The public street system provides a connection through the neighborhood to the established county road system. Bandera will consist of a maximum of 920 residential units with an overall density based on one dwelling per 0.91 acres. Bandera East consists of not more than 214 residential units and Bandera West consists of not more than 706 residential units.”

Independence

A Pre-application meeting to discuss the Independence project was held on February 23, 2016, including the preliminary plat and final plat proposals. The applicant held a Community Meeting for the proposal on August 1, 2016. The community interest level for this project is very high.

Prior to submitting the application for the preliminary plat, the applicant was required to and submitted a Concept Plan for review. The Planning Commission reviewed the Concept Plan at a work session on November 15, 2016. The Board of County Commissioners' reviewed the Concept Plan on November 30, 2016. Concept Plans are not approved or denied, but simply looked at and minimally discussed. They are used to introduce a project to county leadership and the community in general. It is essentially an education step to keep the County staff and the public informed with the progress of the proposal. At both meetings, feedback was given to the applicant regarding the proposed subdivision. A third concept plan presentation was given to the BOCC following the seating of two new commissioners in January of 2017.

Approval of the Preliminary Plat will be under consideration at the June 27, 2017 Planning Commission and August 9, 2017 Board of County Commissioners meetings. The Independence Preliminary Plat must be approved before this Independence Filing 1 Final Plat can be approved.

A formal application for The Independence Subdivision Filing 1 Final Plat was received by Community & Development Services on December 20, 2016. A completeness review was undertaken and additional documents requested. The application was deemed complete and sent on a 35-day referral from January 24, 2017 to March 1, 2017. A second submittal was made on May 3, 2017, and sent on referral from May 5, 2017 to May 19, 2017. A third submittal was made on June 8, 2017.

Public hearing dates were set for

- Planning Commission: June 24, 2017
- Board of County Commissioners: August 9, 2017

REFERRAL

Section IX, B of Elbert County Subdivision Regulations requires that Community & Development Services receive comments from the appropriate referral agencies to evaluate requests for a final plat review. According to the Elbert County process a 'Failure of a referral agency to submit comments in writing shall constitute approval by that agency.'

The following agencies were sent a referral:

- Elbert County Assessor
- Elbert County Mapper
- Elbert County Clerk and Recorder
- Elbert County Building Dept
- Elbert County Office of Emergency Management
- Elbert County Public Works
- Elbert County Environmental Health
- Elbert County Treasurer
- Elbert County Sheriff
- CenturyLink
- Intermountain Rural Electric Assn.
- Black Hills Energy
- Elizabeth Park and Recreation District
- Elizabeth Fire District
- Colorado State Forest Service
- Kiowa Conservation District
- CDOT, Region 4 Traffic
- Colorado Division of Water Resources
- Colorado State Geological Survey
- Colorado Parks & Wildlife
- Town of Parker
- Elizabeth Consolidated School District #C-1
- Douglas County Planning
- Douglas County PW-Engineering
- Franktown Fire District
- Elbert County Urban Library District
- Douglas County School District RE-1
- Comcast

Additionally, consulting planners, civil engineers, traffic engineers, surveyors from Baseline Planning, Engineering, & Surveying reviewed the application on behalf of Elbert County CDS.

Following is a summary of comments received. Complete copies of each comment are attached.

Elbert County Mapper: Provided comments that all road and street names must be approved by the County Mapper.

Staff comment: The County Mapper, CDS, and the applicant have coordinated to ensure street names and suffixes are acceptable. Several iterations of street names were reviewed. The applicant also coordinated with Douglas County.

Black Hills Energy: No comment

Colorado Geological Survey: Provided comments on the Supplemental Preliminary Geotechnical Investigation. CGS stated that they agree with the report authors that the site does not contain, nor is it exposed to, any geologic hazards that would preclude the proposed residential use and density. Additional investigations and analysis are warranted if over-excavation is planned to allow more extensive use of footing foundations and slab floors and for the design of individual foundations, floor systems, subsurface drainage, retaining walls, pavements, etc.

Staff comment: CDS recommends that the recommendations from the Colorado Geological Survey be incorporated into a condition of approval. The developer should follow the advice given in the letter from CGS when obtaining building permits for individual structures.

Douglas County Addressing: Provided comments on avoiding duplication of street names between Douglas County and Elbert County to avoid E911 dispatch problems.

Staff comment: Douglas County and Elbert County have coordinated and will continue to coordinate on street names.

Douglas County Engineering: Comments relate to CR 1/Delbert Road and securing future right-of-way. Douglas County does not believe that construction of CR 1/Delbert Road from to the north is required with development of Independence. Douglas County did request that the applicant dedicate appropriate right-of-way for future CR 1/Delbert Road from Singing Hills Road to Hilltop Road.

In a follow up comment dated June 5, 2017, Douglas County engineering indicated that the developer has entered into an agreement regarding payment of \$50,000 no later than the 750th building permit and that they agreed to dedicate 60-feet of right-of-way for the CR 1/Delbert Road extension to Hilltop Road.

Staff comment: The applicant has agreed to reimburse Douglas County for a portion of impacts to its roads. 120-feet of right-of-way for CR 1/Delbert Road is indicated along the western boundary of Independence Preliminary Plat. The Filing 1 Final Plat dedicates the western-most 60-feet to Elbert County for a future road.

Douglas County Planner: Provided comments on CR 1/Delbert Road right-of-way. See Douglas County Engineering comments, above. After the second referral Douglas County indicated that its representatives had no further comment.

Colorado Division of Water Resources: Comments were provided on the application for the Independence Preliminary Plat (Case No. PP-17-0006). The comments are reiterated here for the record. In an initial letter dated Feb. 21, 2017 the DWR requested more information from the applicant. The applicant supplied the requested information on water supply demand. The DWR sent a follow-up letter dated April 17,

2017. Prior to subdivision approval four existing water wells must be re-permitted pursuant to a plan for augmentation or be plugged and abandoned. This condition will be addressed at the time of review of final plats. The water supply has been deemed adequate to fulfill the 300-year requirements. Please refer to the letters from Joanna Williams dated Feb. 21, 2017 and April 21, 2017.

Staff comment: CDS relies on the Division of Water Resources review to determine the adequacy of a water supply for a given project. The water supply has been deemed adequate as long as the irrigation water is sourced from reclaimed water, as proposed. CDS recommends that the comments from the Division of Water Resources be incorporated as a condition of approval.

Colorado Parks and Wildlife: Provided comments regarding pronghorn & open space, burrowing owls, and raptor nests. CPW provided specific recommendations regarding timing of earth movement and burrowing owl nests. CPW recommends that burrowing owl surveys be performed if earth moving will begin between March 15th and October 31st.

Staff comment: CDS recommends that the comments from Colorado Parks & Wildlife be incorporated as a condition of approval, and that the recommended survey protocol and actions to protect nesting burrowing owls be followed during development.

Elizabeth Fire Protection District: Provided comments regarding access, water supply, and the developers gift agreement between the developer and the district. In a follow-up letter at the time of second referral, the District approved the final plat for filing. The District reviewed and approved proposed road names.

Staff comment: The applicant and the Elizabeth Fire District have coordinated extensively on roadway design to ensure that the District's fire apparatuses can safely access the proposed homes. CDS staff recommends that the comments from Elizabeth Fire District be memorialized in the conditions of approval, as is standard for most land use applications. It is important to note that this review was based on the roadways as they are being proposed/requested with the variance.

Elizabeth School District: Provided comments regarding the design of streets and the ability for school bus drivers to safely navigate buses through the development. These concerns are addressed. The District requests timely payment of fees (\$2,822 per unit) in the future. The District stated that the increase in students will increase the amount of revenue the District receives from the State funding formula.

Staff comment: CDS recommends that the requirement to pay any fees due to the Elizabeth School District be incorporated into a condition of approval.

Elbert County Health & Human Services, Public Health and Environment: Responding to the second referral, the department indicated that it has no objections.

Intermountain Rural Electric Association: Provided comments regarding IREA's existing infrastructure in the area of the property and requesting specific new easements on future plats.

Staff comment: The applicant has made all revisions requested by IREA. IREA confirmed this in response to the second referral.

Notification:

The property was posted with five signs advertising the hearing dates and brief explanation of the application. The public notice was published in the Elbert County News on May 25, 2017. Notices were mailed to property owners of record within 1,320 feet in Elbert and Douglas Counties. As of the date of this staff report, CDS Director Fenner received fewer than five phone calls and approximately 30 emails/letters from residents. The phone calls essentially were for information purposes. The letters are a mixture in support and opposed to the project.

MASTER PLAN EVALUATION

Approval of this proposal requires conformance with the intent and policies of the Elbert County Master Plan. The proposal was not found to conflict with any of the guidelines of the Master Plan.

SECTION V - GENERAL POLICIES

- 1. Consistency with the Master Plan is considered a fundamental criterion for land-use approval by the Planning Commission and the Board of County Commissioners. Any zoning or development proposal not in compliance with this Plan must apply for a Master Plan amendment.*

Staff comment: The proposed Independence Subdivision Filing 1Final Plat is generally consistent with the Elbert County Master Plan. This is further explained in the comments on individual policies, below.

- 2. New development shall be directed toward existing municipalities, employment centers, rural town centers and rural subdivisions. Improvement of existing communities and neighborhood facilities in these areas shall be encouraged.*

Staff comment: The development is proposed in the northwest portion of Elbert County which has the highest concentration of single family homes in the county in semi-rural subdivisions. If the county is going to accommodate demand for this type of single family residential development, the northwest portion of the county is a logical location to accommodate new development. The property was already rezoned as indicated and allows the use and density proposed. The project does propose significant community facilities, including land for public education, emergency services, open space, and recreation. The use and density of this property has been known and a public record for over 8 years.

- 3. From the onset of development, new development shall pay its own way so that existing residents are not subsidizing the costs associated with new development through higher taxes or decreased levels of service. New development shall be required to demonstrate that necessary on and off-site infrastructure can be provided. Bonding or other security instruments for necessary improvements may be required by the County.*

Staff comment: The applicant proposes to construct and operate adequate water and wastewater facilities, construct roads to county road standards, and dedicate public right of way to Elbert County for future roadways. Financial surety will be negotiated as part of a Subdivision Improvements Agreement. The proposed special districts will have the power to take on debt, levy property tax, and levy service fees. The development is unique in that it proposes a clustered lot arrangement with smaller lot sizes and in exchange there are large tracts of undeveloped lands for open space and separation. This approach creates fewer road miles and fewer feet of infrastructure to serve the homes to be developed. This arrangement of development maximizes efficiency for expenditures of dollars to develop and maintain infrastructure.

4. *To the extent that new development necessitates capital public improvements as a result of the impacts created by that development, the County shall require the developer to finance, in a timely fashion, construction of those capital improvements. This might include the construction of schools, parks, libraries and other needed public facilities. The County shall coordinate with the relevant special districts, authorities, and municipalities to determine the need for such facilities.*

Staff comment: Financial responsibilities for public facilities are being negotiated as part of a Subdivision Improvements Agreement and in the approval of the proposed special districts. Land for parks, schools, and sheriff substation, and fire station are reserved in the preliminary plat. Only open space is being dedicated as part of Filing 1.

5. *New development shall be subject to phasing restrictions based upon the capacity of schools, transportation systems and other public facilities and services*

Staff comment: The project will be built in phases, and the county and other public facility/service providers will work with the land owner to ensure that all necessary facilities are in place or will be in place before approving additional Final Plats beyond the proposed Filing 1 and in advance of issuance of building permits.

6. *New development is encouraged to locate in proximity to improved arterial roads or such roads shall be provided by the developer. These roads shall be paved, have adequate traffic carrying capacity and should not have serious adverse impacts on the existing roadway network.*

Staff comment: The applicant proposes to construct new internal local roads, a new collector road, and improve existing access roads to county road standards including Hilltop Road and dedicate public right of way to Elbert County for future roadways (CR 1/Delbert Road). Proposed roadway standards have been designed to accommodate projected traffic counts from the Traffic Study. The Traffic study has been reviewed and approved by staff and CDOT and meets the required standards. Additionally the proposed development is located directly adjacent to an existing improved road and will ultimately connect to an improved arterial road.

7. *Land dedications to mitigate development impacts shall include land for school sites, parks and open space, and other public uses. Where appropriate, the County shall allow cash-in-lieu to meet these requirements.*

Staff comment: The project proposes to dedicate land for schools, emergency services, parks, and open space. Only open space is being dedicated as part of Filing 1.

8. *The County shall require that public land dedications include adequate access, water and sewer service and facilities, and other utilities to serve the intended use.*

Staff comment: Land proposed to be dedicated for emergency services, parks, and open space will have the necessary easements and proposed physical infrastructure to serve the intended uses. Dedication will occur at the time of final plat in each phase. These properties will be served by the existing local utilities (gas and electricity) as well a proposed special district (the Independence Water & Sanitation District). The tracts for water and sanitation facilities are a part of Filing 1.

9. *The County shall require adequate land use buffers between potentially incompatible land uses. Environmentally and visually significant areas may serve as buffers between municipalities, economic development areas, rural town centers, and rural areas.*

Staff comment: Significant open space will provide a visual buffer between adjacent residential uses and proposed homes. The buffers being proposed exceed minimum requirements and are being voluntarily provided by the applicant. The closest proposed platted lot is approximately 390 feet from Hilltop Road.

10. *Development shall be directed away from significant ridge lines, mesas, riparian zones and other areas determined to be environmentally or visually sensitive, and shall adhere to County development guidelines.*

Staff comment: Development has been planned to avoid ridge lines, mesas, and riparian areas.

11. *The County shall pursue all available sources of revenue and resources required for economic development and the public safety and welfare of Elbert County citizens.*

Staff comment: Approval of the Independence Subdivision Filing 1 Final Plat will lead to increased funding for public safety and will dedicate property for a future Sheriff's substation.

12. *Development which incorporates multiple uses including commercial, business, educational, recreation and industry shall be encouraged.*

Staff comment: The Bandera East and Bandera West Planned Unit Developments do not permit commercial, business, or industrial uses. Educational and recreational uses are a part of the PUDs and areas for these uses are identified on the Preliminary Plat. Recreational tracts are dedicated in this first filing and land for educational purposes will be dedicated in future filings.

13. *Development which generates positive economic impacts to the County and minimizes the extension of roads and services are encouraged.*

Staff comment: As part of the Independence Preliminary Plat application the applicant submitted a Fiscal Impact Study which demonstrates that approval of the development would have a positive impact to the local economy of Elbert County and the County's budget. Hilltop Road will serve the development. Any extensions of road would be for CR

1/Delbert Road, an extension which is called for in the West Elbert County Transportation Master Plan.

14. *Rural development shall adhere to County guidelines and regulations addressing environmental, social and economic impacts.*

Staff comment: The Independence development adheres to these guidelines.

15. *Economic development shall be located where arterial access, water and sewer service, and suitable topography exist or are included as part of the development plan.*

Staff comment: Arterial access is available on Hilltop Road. Water and sewer service will be provided by a newly formed Independence Water & Sanitation District. The topography is suitable for single family home development. Commercial, business, or industrial uses are not proposed or allowed by existing zoning.

16. *Industrial uses shall be located so as to avoid conflicts with residential development, agricultural uses, wildlife areas and environmentally or visually sensitive areas. Where possible, new industrial development shall be located near existing municipalities and rural town centers. The County strongly discourages strip industrial development.*

Staff comment: Industrial uses are not allowed per the site's zoning and no industrial development is proposed.

17. *The County encourages energy conservation strategies, energy efficient design and renewable energy resources to be incorporated at all levels of development.*

Staff comment: The project proposes to utilize a water resource and recovery facility that will treat wastewater to then be used for irrigation of both community and private landscaping. Additionally, the development is a cluster development. This type of development requires fewer lineal feet of roadway, pipelines (water/san), less electrical infrastructure and reduces impacts on county road maintenance and plowing per dwelling unit. Lastly, because of the clustering and the large tracts of open space, wildlife movement is less likely to experience adverse impacts.

SECTION VI – LAND USE

Environmental Constraints

Goal: All development, including residential, industrial, commercial, and public utilities, shall be designed and constructed in a manner that is sensitive to the environment.

4. *Developments shall be planned in a manner that minimizes disturbances to the environment. Disturbance to woodlands, slopes and natural drainages shall be kept to a minimum to ensure that erosion, sedimentation, runoff, and loss of cover are minimized.*

Staff Comment: The small amount of woodlands on the property is not disturbed. Slopes and natural drainages are avoided.

5. *New developments shall mitigate all negative impacts to adjacent agriculture lands and designated open space.*

Staff comment: An open space buffer will separate the proposed single family homes from adjacent properties. Stormwater run-off from developed areas will be managed and historic flow rates will be maintained.

6. *The County shall discourage development within the 100-year flood-plain unless associated with wildlife management, non-polluting recreational uses, or agricultural uses.*

Staff comment: No development is proposed in the 100-year floodplain.

8. *The County shall not allow development, and reserves the right to disapprove development on excessive slopes (20% and over) and rock fall zones.*

Staff comment: There are two locations on the property where slope exceeds 20%. One location is at the dam-side of a stock pond which will become a part of one of the irrigation water storage ponds (Tract I). The other location will be a part of future open space and within Tract T which is reserved for future development. Neither location will be developed for residential use.

11. *Development proposals shall include plans to control surface drainage, erosion and/or sedimentation problems.*

Staff comment: The applicant has prepared a final drainage report, final grading and drainage plans, and grading, erosion, & sediment control plans and reports.

Recreation and Open Space

Goal: Provide recreation facilities and open space to county residents while maintaining the rural character of the county.

1. *Within existing and proposed residential, commercial and industrial development areas, major riparian areas, floodplains and woodlands should form the basis of an open space and trails system. This system should be limited to non-motorized vehicles, pedestrians, and equestrian uses.*

Staff comment: The Independence project proposes an extensive trail and park system. The Henderson Gulch tributary area including the mapped floodplain and few trees are a part of the open space system. This trail system and open space will be to benefit all citizens.

2. *The County shall require the developer to provide an environmental review and evaluation of lands proposed for dedication, including all park, school, open space, and rights-of-way, to ensure that they are free of toxic or hazardous waste.*

Staff comment: The applicant provided a Phase One Environmental Report as part of the Preliminary Plat application. No evidence of recognized environmental conditions was observed.

6. *The County shall require that parks and/or open space facilities are provided as part of each new subdivision.*

Staff comment: The Independence Subdivision Filing 1 Final Plat proposes to dedicate 179 acres of parks open space as part of the larger system of 433 acres of parks and open space. This land is dedicated to the Independence Overlay Metropolitan District, the Independence Metropolitan District No .1, and some by the Independence Water & Sanitation District for public use.

Roads

Goals: Ensure that the rural character of Elbert County is maintained and preserved along major transportation corridors.

Ensure that road construction and maintenance are provided in an efficient and cost-effective manner and meet all current national and county standards.

- 1. Proposed roadway systems shall be planned to minimize negative impacts on the environment and to adjacent land uses. Ample rights-of-way, buffer landscaping, and natural amenities shall be used to create a safe, attractive, and compatible roadway system.*

Staff comment: The proposed roadway system contains the required amenities along local streets. The proposed rural major collector roadway is a hybrid design containing an 8-foot wide multi-use trail on one side and a 6-foot wide bike lane on the other side. Additionally the setback buffer along CR 158 exceeds the county's minimum requirements pushing the developed areas toward the interior of the development. The development is designed with the bulk of the open space around the perimeter as opposed to older developments that created "compounds" of houses on the outside with the open space in the interior.

- 4. The County shall require that new development dedicate adequate rights-of-way and provide improvements to any impacted County roads.*

Staff comment: Right-of-way is dedicated with this final plat in accordance with the preliminary plat. Right-of-way is dedicated for CR 1/Delbert Road along the western property line. Right-of-way for Hilltop Road will be widened for acceleration and deceleration lanes. CR 5/Hancock Way is dedicated through the site (100-foot wide).

Water Conservation

Goal: Ensure a permanent, renewable, and reliable potable water supply at a reasonable cost for existing and future residences and businesses.

- 1. Existing and new development shall lease back open space to farmers and ranchers, and allow the reuse of domestic water for the irrigation of those open space lands.*

Staff comment: To staff's knowledge the applicant is not planning on leasing open space to farmers and ranchers and this suggestion somewhat conflicts with the County's desire for public open space. The Homestead Park is envisioned to eventually incorporate community gardens. Domestic water will be re-used for irrigation purposes after treatment at the water resource and recovery facility. This water reuse system exceeds county requirements and will be the first reuse of water on this scale in Elbert County.

- 2. The County shall require water-conservation measures which prolong water supplies and the economic life of aquifers.*

Staff comment: The proposed water resource and recovery facility is one such water conservation measure to prolong the life of the aquifer. Cluster housing also, having a smaller aggregate footprint, consumes less water than non-cluster developments.

6. *With lot sizes of 10 acres or less, a County approved central water system is needed which utilizes the Denver, Arapahoe, Laramie-Fox Hills aquifers and incorporates a recharge system to allow treated sewage to renew the aquifers.*

Staff comment: The applicant is designing a water resource and recovery facility. This system will pump water from the Denver and Arapahoe aquifers and distribute it to the homes. The wastewater will then be treated and sent back to homes and parks for irrigation.

SECTION VI I – COMMUNITY RESOURCES

Community Services

Goal: Ensure that an adequate level of community services is maintained to support all existing and future residents of the county.

1. *New development shall locate adjacent to existing municipal areas, rural town centers and existing development to ensure adequate delivery of services.*

Staff comment: The development is proposed in the northwest portion of Elbert County which has the highest concentration of single family homes in the county in rural subdivisions. This development is located adjacent to existing development to the south and infrastructure exists to that can provide adequate delivery of services.

2. *Developments shall be required to mitigate or otherwise alleviate their impact on community services.*

Staff comment: The impacts on community services from the Independence project will be mitigated in several ways. The developer is required to pay growth impact fees to the county, school fees to the school district, and fire impact fees to the fire district.

3. *All development proposals shall be submitted to the appropriate regional agencies which may provide services to the residents of that development for review and comment.*

Staff comment: Local service providers were given the opportunity to provide comments during two referral periods.

10. *Growth shall be diverted to areas with adequate roads, or shall require new development to construct new and/or improved roads to serve residential areas and schools.*

Staff comment: The Independence site reserves land for a new school site and will build and improve roads to serve it. These will be dedicated in future plats.

19. *For developments with lots 5 acres or less, developers shall be required to provide a County approved water and sewer system. Central water systems are required (or developments with Lots of 10 acres or less.*

Staff comment: The project proposes a new central water and sewer system. Site plans will be reviewed by the county and the facilities will be permitted at the State level by CDPHE.

21. *Development shall be encouraged to minimize consumption of water and maximize the efficient use of water.*

Staff comment: The proposed water resource and recovery facility will maximize the efficient use of water. Additionally, cluster housing generally consumes less water per household than conventional developments as lots are smaller and landscaping reduced.

22. *As development occurs, the County and developer(s) shall cooperate to provide additional Sheriff's Department facilities in order to adequately cover the vast acreage and distances in the County.*

Staff comment: A site is reserved for a new Sheriff substation to be dedicated on a future final plat.

24. *As development occurs, the County and developer(s) shall cooperate in updating existing facilities and constructing additional fire protection facilities - especially in rural areas where fire equipment and protection are not readily available.*

Staff comment: A site is reserved for a new fire station for the Elizabeth Fire Protection District to be dedicated on a future final plat

FINAL PLAT EVALUATION

Below is Staff's evaluation of the proposals compliance with the Elbert County Subdivision Regulations. *Code sections are in italics* to differentiate the comments from the Staff comments in regular text.

ELBERT COUNTY SUBDIVISION REGULATIONS

Section I.C. Acceptance of a Subdivision

1. *Whether the application is in compliance with the requirements of these regulations, the Elbert County Zoning Regulations, and the intent and policies of the Elbert County Master Plan.*

Staff comment: The application is in compliance with the Elbert County Subdivision Regulations, Zoning Regulations, and Master Plan.

Subdivision Regulations

The Independence Subdivision Filing 1 Final Plat was prepared in accordance with all requirements of the Elbert County Subdivision Regulations including required supplemental materials and reports.

Zoning Regulations:

The Independence Subdivision Filing 1 Final Plat was prepared in accordance with the zoning of record for the property, the Bandera East and Bandera West Planned Unit Developments. The proposed uses and lot sizes follow the standards of the PUD. The proposed final landscape plans comply with the PUD.

Master Plan:

Refer to the previous section.

2. *Whether the application is in compliance with all applicable statutory provisions.*

Staff comment: With the experience and knowledge of the CDS staff and support staff, the application appears to comply with all applicable statutory provisions.

3. *Whether the application is in compliance with the Colorado Health Department and Colorado Department of Transportation regulations.*

Staff comment: Elbert County Health and Human Services (HHS) is the local regulatory and enforcement body for Colorado health regulations. HHS does not object to this final plat, as noted in its referral comments. The Colorado Department of Health and Environment Water Quality Control Division will review and approve permits for the water and wastewater treatment plants at a future date.

The property does not directly access a state highway however some traffic from the subdivision will eventually lead to a state highway. CDOT requested clarification in the traffic study and as of May 25, 2017, CDOT had no further comments.

Section IX.C. The Final Plat shall be prepared as follows

1. *The design shall conform to the Preliminary Plan, as approved. Should the applicant desire to phase final platting, rather than final plat the entire development, the applicant may do so, in accordance with an approved phasing plan.*

Staff comment: The overall design of the Final Plat is in accordance with the Preliminary Plat. Filing 1 represents the first phase of the platting of Independence. Tracts U and T are reserved for to be further subdivided with future final plats.

2. *The drawing shall be done at a scale of" = 100', or 1" = 50' , or another scale approved by the Planning Department, which clearly shows the entire proposal, with outer dimensions of 24" x 36". Multiple sheets may be utilized, with a cover sheet, referencing and indexing all required graphic information. Good draftsmanship shall be required, with all required graphic information. All drawings shall be accurate and legible. The drawings shall conform to the Map Requirements (Section XV of these Regulations), or an approved equal lettering. Plats not found acceptable by the Community & Development Services Department shall be returned to the applicant for resubmission. The final plat shall be submitted only after the Community & Development Services Department determines it to be adequate for scheduling before the Board of County Commissioners.*

Staff comment: The final plat was prepared in accordance with the Elbert County Subdivision Regulations at the appropriate scales, with good draftsmanship, and with all required map requirements.

Section IX.D. The Final Plat shall contain

Staff comment: Sub-criteria 1 through 23 of the Section IX. D. describe the elements required to be included on the Final Plat document. The document was reviewed

against these criteria by professional surveyors, engineers, and planners, who concluded that the submittal meets all criteria.

Section IX.E. The Final Plat shall be accompanied by

All of the below required documents accompanied the Final Plat

1. *Two (2) copies of streets/roads plans and profiles;*
Staff comment: The applicant submitted Public Improvement Construction Plans for all streets, roads, water lines, sewer lines, and stormwater infrastructure and grading plans for review.
2. *A copy of the approved covenants to be recorded;*
Staff comment: The applicant submitted a draft of the proposed Declaration of Covenants, Conditions and Restrictions (CCRs). CDS does not review CCRs nor does Elbert County approve them.
3. *Estimated construction cost and proposed method of financing of the*
 - a. *Streets and related facilities,*
 - b. *Water distribution system,*
 - c. *Sewage collection system,*
 - d. *Storm drainage facilities, and*
 - e. *Such other utilities, as may be required of the developer, by the County;*Staff comment: The applicant submitted cost estimates for the above mentioned facilities, also including the common irrigation system facilities. The proposed method of financing these improvements is funding by the developer with eventual financing and reimbursement by the special districts that are currently in process to be formed. The proposed districts have the power to take on debt and levy service fees and property taxes.
3. *Completed Subdivision Summary Form (provided by the Community & Development Services;*
Staff comment: The applicant submitted a completed Subdivision Summary Form.
4. *Disclosure letter, if applicable;*
Staff comment: The landowner, Bluegreen Investments, LLC completed and signed a Disclosure Letter authorizing Craft Bandera Acquisition Company, LLC to submit the plat application.
5. *Narrative;*
Staff comment: The applicant completed a narrative describing the proposed project.
6. *Subdivision Improvement Agreement;*
Staff comment: The applicant began negotiating a Subdivision Improvements Agreement with the County Manager and the County Attorney. A copy of the latest agreement is included in the applicant's submittal materials.

7. *Development Guide;*

Staff comment: The Planned Unit Development Standards of the Bandera East and Bandera West Planned Unit Developments serve as a development guide.

8. *Erosion Control and Drainage from SCS;*

Staff comment: The applicants submitted Grading, Erosion, and Sediment Control Plans and Report and a Final Drainage Report. The Kiowa Conservation District did provide comments. The plans and report were reviewed and commented on by professional engineers at Baseline.

9. *Developed lot valuation from a qualified appraiser. Valuation and appraiser will be approved by the Elbert County Assessor;*

Staff comment: The applicant submitted an appraisal report of the property if it were developed. The County Assessor has been sent the appraisal. The developer is satisfying open space requirement by dedication to the special districts and not provided cash-in-lieu of dedication. The appraisal is typically used when calculating cash-in-lieu requirements.

FINDINGS & RECOMMENDATION

Staff recommends that the Planning Commission find that:

1. The proposal in general conformance with the Elbert County Master Plan; and
2. The proposal meets the criteria for approval in the Elbert County Subdivision Regulations; and
3. The proposal in is conformance with the Elbert County Zoning Regulations and the Bandera East Planned Unit Development and Bandera West Planned Unit Development; and
4. The proposed street and lot configuration is compatible with existing and allowable land uses on the property and in the surrounding area; and
5. Any impacts to the health, safety, and welfare of the residents and landowners of the surrounding area caused by the proposal can be mitigated.

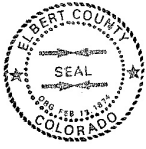
AND

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no further objections from other governing bodies, the recommendation of Community & Development Services Department staff is to recommend approval of **INDEPENDENCE SUBDIVISION FILING 1 FINAL PLAT (Case No. FP-16-0005) A REQUEST TO APPROVE A FINAL PLAT TO SUBDIVIDE 1011.94 ACRES INTO 328 RESIDENTIAL LOTS, 22 TRACTS, AND RIGHT OF WAY IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY**, subject to the following conditions.

1. The applicant will be required to remove the Public Hearing signs within seven (7) days of a decision by the Board of County Commissioners; and
2. Prior to recording the final plat, the Independence Preliminary Plat must be approved and any conditions to the preliminary plat shall be met; and
3. The final plat will not become effective until all fees and outstanding costs associated, if any, are paid, conditions of approval are met, and the final plat and any other required documents are recorded; and
4. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
5. Prior to recording the final plat, the designated Road & Bridge Superintendent shall render a decision on the two requested variances to the Elbert County Standards and Specifications. Should either of the variances be denied, the final plat materials shall be revised accordingly; and
6. Prior to recording the final plat, Elbert County and the developer shall enter into a Subdivision Improvements Agreement; and
7. Prior to recording the final plat, the applicant shall comply with the Division of Water Resources/State Engineer's Office that well permit nos. 84769-A, 122-A, and 14514 are re-permitted pursuant to the augmentation plan approved in case no. 2005CW59 as required in its letter dated April 17, 2017; and
8. The applicant will follow the recommendations and requirements of the Elizabeth Fire Protection District as outlined in the letters dated March 1, 2017 and May 24, 2017 and pay any required fees due to the district; and
9. The applicant shall pay any applicable fees due to the Elizabeth School District C-1; and
10. Prior to construction, the applicant shall follow the recommendations of Colorado Parks and Wildlife in its letter dated May 24, 2017, specifically with regard to pronghorn, burrowing owls, and raptor nests. Specifically, the developer shall follow the Recommended Survey Protocol and Actions To Protect Nesting Burrowing Owls; and
11. Prior to construction, the applicant shall apply to Elbert County Department of Public Works for grading permits and public/private improvements permits; and
12. Prior to approval of a grading permit or public/private improvement permit the applicant shall receive a 404 Permit from the United States Army of Engineers for any disturbance to jurisdictional wetlands; and

13. Prior to construction of the water resource and recovery facilities, the developer shall receive all necessary permits from the Colorado Department of Public Health and Environment; and
14. Prior to obtaining building permits, the developer shall follow the recommendations of the Colorado Geological Survey in its letter dated March 1, 2017.

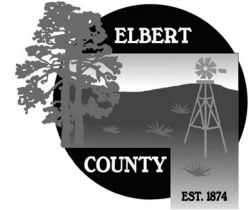
CC. Kyle Fenner, Director of Community and Development Services
Vincent Harris, AICP, Planning Director Baseline Corporation
Gary R. White, Esq., White Bear Ankele Tanaka & Waldron PC
Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron PC



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



SECTION 2:

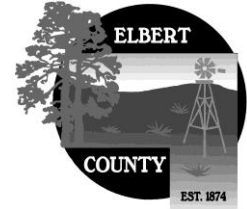
1st Referral Comments



COUNTY OF ELBERT

PLANNING DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



APPLICATION COMMENTS

Review Date: March 17, 2017

CDS Review Staff: Ethan Watel, AICP (Project Planner)

Name of Application: Independence Filing 1 Subdivision Final Plat

Case Number: FP-16-0005

Applicant/Representative name and address: Tim Craft, Craft Bandera Acquisition Company, LLC o/b/o Bluegreen Investments, LLC

Physical Address of proposal: North of CR 158, adjacent to Douglas County line (Parcels #7514200001 & 7514300002)

Section, Township and Range: Sections 14 & 15, Township 7S, Range 65W, 6th P.M.

Craft Bandera Acquisition Company, LLC has submitted an application for a subdivision Final Plat on a portion of the approximately 1,012 site known as Independence (f/k/a Bandera). The final plat proposes to plat 328 single family lots, tracts, and public rights-of-way on the site, in conformance with the approved Planned Unit Development zoning on the property. The property was rezoned under the Bandera East and Bandera West PUDs, approved in 2009. A preliminary plat application for the entire Independence project is being processed concurrently.

The application materials were received and sent on a 35-day referral period to internal and external referral agencies per the Elbert County subdivision regulations.

The following agencies provided a response:

- Elbert County Community & Development Services:
 - Baseline Corporation Planning Division
 - Baseline Corporation Engineering Division
 - Baseline Corporation Survey Division
- Elbert County Assessor (Mapper)
- Black Hills Energy
- Colorado Geological Survey
- Douglas County (Addressing, Engineering, Planning)
- Elizabeth Fire Protection District
- Elizabeth Consolidated School District #C-1
- Intermountain Rural Electric Association

The following agencies were provided with the application materials and did not respond as of the writing of this memo:

- Elbert County Assessor
- Elbert County Clerk and Recorder
- Elbert County Building Department

- Elbert County Office of Emergency Management
- Elbert County Public Works
- Elbert County Environmental Health
- Elbert County Treasurer
- Elbert County Sheriff
- CenturyLink
- Elizabeth Park & Recreation District
- Colorado State Forest Service
- Colorado Parks and Wildlife
- Colorado Department of Transportation
- Colorado Division of Water Resources
- Town of Parker
- Franktown Fire District
- Elbert County Urban Library District
- Douglas County School District RE-1
- Comcast
- Kiowa Conservation District

Please note that all agencies listed above were also sent the application for the Preliminary Plat for Independence Subdivision (submitted concurrently). Some agencies' comments on each application may be relevant to both applications.

Summary of Community & Development Services Comments:

Baseline Planning (Ethan Watel unless noted otherwise):

1. As discussed with you previously, we would like to explore the platting of the entire 1,012 acre ownership in Filing 1, reserving future tracts for further subdivision. This provides you the advantage of dedicating the entire required ROW for Hilltop Road and Delbert Road at the outset of the project.
2. Please address the planning redlines provided on the Final Plat. Please let me know if you have any questions or need clarifications.
3. Landscape plans (Comments from Julie Esterl, Baseline Planning): Please see redlines in the Landscape Plans. Is there a reason the trail along CR 5 is not shown extending down to Hilltop? Will this be phased?
4. Subdivision Improvement Agreement: Please develop a phasing schedule of the required off-site improvements for use in negotiating the Subdivision Improvements Agreement.

Baseline Engineering (Todd Rand, PE):

5. Please address the engineering redlines provided on the Final Drainage Report, GESC Report, GESC Plans, and Public Improvement Construction Plans.

Baseline Surveying (Aaron Demo, PLS):

6. Show road right of way book and page.
7. The plat boundary should go to the edge of the southern property to prevent the creation of gaps.
8. All lots need bearings and distances to properly close the lot.

9. All easements need bearing and distance measurements along with ties to property line to verify closure.
10. The boundary description does not contain the whole deeded parcel; there should be some reference to original boundary.
11. Please add sheet 16 so the whole boundary of the subdivision is properly shown.
12. Mask test so that lines do not cut through text making it hard to read.
13. The right of way linetype needs to be consistent.
14. See redline comments on the Final Plat document.

Elbert County Assessor (Mapper):

15. See comment from Bart Chambers regarding street names.

Colorado Geological Survey:

16. See attached comments from Jill Carlson.

Elizabeth Fire Protection District:

17. See attached comments from Kara Gerczynski, Fire Marshall.

Elizabeth School District

18. See attached comments from Ron Patera, Director of Finance and Operations.

Black Hills Energy

19. No comments.

Douglas County:

20. See attached comments from Douglas County Addressing, Engineering, and Planning.

Intermountain Rural Electric Association

21. Please review the Brooks Kaufman's response regarding requested utility easements.

Next Steps:

Please resubmit the Filing 1 Final Plat application materials that require amendment along with a response to comments.

Please let me know if you have any questions.

Sincerely,



Ethan Watel, AICP
Baseline Corporation
o/b/o Elbert County Community & Development Services

CC: Kyle Fenner, Elbert County CDS
Vince Harris, AICP, Baseline

Attachments:

- Redlined Final Plat (Baseline Planning)

- Redlined Landscape Plan (Baseline Planning)
- Redlined Final Plat (Baseline Surveying)
- Redlined Final Drainage Report (Baseline Engineering)
- Redlined GESC Report and GESC Plans (Baseline Engineering)
- Redlined Public Improvement Construction Plans (Baseline Engineering)

- Referral responses received from:
 - Elbert County Mapper
 - Black Hills Energy
 - Colorado Geological Survey
 - Douglas County (Addressing, Engineering, Planning)
 - Elizabeth Fire Protection District
 - Elizabeth Consolidated School District #C-1
 - Intermountain Rural Electric Association



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REFERRAL REQUEST

DATE: 1/24/2017 COMMENTS DUE BY: Wed., March 1, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat

PROJECT NUMBER: FP-16-0005

PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:
all roads will need to be approved by me be for you record finial plat

See the attached letter for detailed comments regarding this proposal.

Date: 3/7/2017

Agency Name: Elbert Couny Assessor office

Your name (Please Print Clearly): Bart Chambers

Signature: _____

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner

Ethan Watel

From: Zuroff, Ron <Ron.Zuroff@blackhillscorp.com>
Sent: Wednesday, January 25, 2017 6:44 AM
To: Ethan Watel
Cc: Schwender, Sebastian
Subject: Fwd: Elbert County Land Use Referral - Independence Filing 1 Final Plat (FP-16-0005)
Attachments: Referral Request Form -Independence Fil 1 Final Plat FP-16-0005.pdf; ATT00001.htm

No comment from Black Hills Energy Ethan! Thanks Ron

Sent from my iPhone

Begin forwarded message:

From: Ethan Watel <ethan@baselinecorp.com>
Date: January 24, 2017 at 5:52:17 PM MST
To: Kyle Fenner <Kyle.Fenner@elbertcounty-co.gov>
Subject: Elbert County Land Use Referral - Independence Filing 1 Final Plat (FP-16-0005)

***** This email is from an EXTERNAL sender *****

Use caution before responding. **DO NOT** open attachments or click links from unknown senders or unexpected email. If this email appears to be sent from a BHC employee or department, verify its authenticity before acting or responding. Contact the Helpdesk with any questions.

Hello,

On behalf of the **Elbert County Community & Development Services** Department I am sending you a land use application referral packet. The Department has received the initial submittal for a **Final Plat for the Independence Subdivision Filing No. 1** (formerly known as Bandera) from the Craft Companies. The application is for a final plat 328 dwelling units, open space and road right of way on as the first phase of the Independence project.

The case number is FP-16-0005. The case is separate from but related to the Preliminary Plat application (PP-17-0006). Please review the documents found at the link below and **respond by Wednesday, March 1, 2017**.

Please see attached a referral form for you to provide comments.

Thank you.

There are many files. Please do not hesitate to contact me or Kyle Fenner with any questions. If you would like a thumb drive with the files, please let me know.

Final plat application files: <https://www.dropbox.com/sh/2csun13nl1fw28p/AAAh-H4CMBP6N4XG6embCdVja?dl=0>

ETHAN WATEL, AICP | Senior Planner, Project Manager | Baseline Engineering, Planning, & Surveying | 1950 Ford Street | Golden, CO 80401 | Phone: 303.202.5010x218 | Fax: 303.940.9959 | Cell: 720.239.2835 | www.baselinecorp.com

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COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

March 1, 2017

Kyle Fenner, Director
Community and Development Services Department
Elbert County
P.O. Box 7
Kiowa, CO 80117

Location:
Sections 14 and 15,
T7S, R65W of the 6th P.M.
39.4417, -104.644

Subject: Independence Subdivision Filing 1 Final Plat (FP-16-0005)
Elbert County, CO; CGS Unique No. EB-17-0003

Dear Ms. Fenner:

Colorado Geological Survey has reviewed the Independence Subdivision Filing 1 final plat referral. I understand the applicant proposes 328 dwelling units on approximately 263 acres in the southeastern portion of the overall 1012-acre Independence Subdivision property located at 1001 County Road 158, approximately 3 miles east of The Pinery and 6 miles northwest of Elizabeth.

The referral documents include a Supplemental Preliminary Geotechnical Investigation, Independence Subdivision Phases 1- 3 (CTL|Thompson, November 1, 2016). CGS agrees with CTL that the site does not contain, nor is it exposed to, any geologic hazards that would preclude the proposed residential use and density.

CTL provides a good description of subsurface conditions and geotechnical constraints, and makes appropriate recommendations regarding grading and fill placement, slopes, subsurface drainage, etc. CTL makes appropriate *preliminary* recommendations for mitigating the site's variably to highly expansive soils and shallow claystone bedrock. Provided these recommendations are adhered to, and additional investigations and analysis are conducted (1) to determine the depth and extent of overexcavation, if overexcavation is planned to allow more extensive use of footing foundations and slab floors, and (2) for use in design of individual foundations, floor systems, subsurface drainage, retaining walls, pavements etc., CGS has no objection to final plat approval.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson".

Jill Carlson, C.E.G.
Engineering Geologist

cc: Ethan Watel, AICP
Baseline Engineering, Planning & Surveying
ethan@baselinecorp.com



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



REFERRAL REQUEST

DATE: 1/24/2017 COMMENTS DUE BY: Wed., March 1, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat

PROJECT NUMBER: FP-16-0005

PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:

See the attached letter for detailed comments regarding this proposal.

Date: 3/02/2017

Agency Name: Douglas County

Your name (Please Print Clearly): Curt Weitkunat

Signature: Curtis J Weitkunat

Digitally signed by Curtis J Weitkunat
DN: cn=Curtis J Weitkunat
Date: 2017.03.02 08:37:06 -07'00'

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

Project Planner

Project Name: Independence Subdivision Filing 1 Final Plat

Project Number: FP-16-0005

Date Received: 01/25/2017

Jurisdiction: Elbert County

Due Date: 03/01/2017

Addressing Comments:

In order to avoid possible E911 dispatch delays and errors, it is advisable to avoid duplicating any street names within Douglas County since Douglas County Sheriff serves Elbert County.

Engineering Comments:

See attached comment letter.

Planner Comments:

Please see comments related to preliminary plan.

February 28, 2017

RECEIVED

RE2017-012

Ethan Watel, AICP
Baseline Engineering
1950 Ford Street
Golden, CO 80401

MAR 06 2017

RE: **Independence Filing 1 Final Plat**

Dear Ethan,

Douglas County Engineering has reviewed the referral for the above-referenced project and has the following comments:

General Comments:

1. Douglas County roads continue to be impacted by growth within Elbert County. The applicant for this project (Craft Companies) has reached out to Douglas County to discuss impacts this development has on Douglas County roads. They have agreed to pay a certain amount of money to Douglas County in order to offset some of the impact created. We are currently working on an agreement with the applicant to formalize the payment amount and timing.
2. We are requesting that the applicant commit to dedicate appropriate amounts of ROW for the extension of Delbert Road from Singing Hills to Hilltop. With the development of the Independence PD, the roadway network provides alternative routes from the north to the south; therefore the County does not believe the construction of Delbert Road is required with this Planned Development. We do believe securing the ROW with this development is necessary in the event future traffic warrants the need for this connection.
3. The connection from this development to Singing Hills road will require the developer to acquire ROW for Delbert Road from outside private property owners. Douglas County will not aid in the acquisition of this ROW, nor will the County require any future development to pay this developer back for any improvements constructed or land acquired.

Thank you for the opportunity to review this referral. Feel free to contact me should you have any questions.

Respectfully,



Matt Williams, P.E., CFM
Development Review Manager
mwillial@douglas.co.us



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



REFERRAL REQUEST

DATE: 1/24/2017 COMMENTS DUE BY: Wed., March 1, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat

PROJECT NUMBER: FP-16-0005

PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:

See the attached letter for detailed comments regarding this proposal.

Date: March 1, 2017

Agency Name: Elizabeth Fire Protection District

Your name (Please Print Clearly): Kara Gerczynski - Fire Marshal

Signature: Kara Gerczynski

Digitally signed by Kara Gerczynski
Date: 2017.03.01 16:42:42 -07'00'

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

Project Planner

ELIZABETH FIRE PROTECTION

P.O BOX 441
 ELIZABETH CO 80107
 303-646-3800 fax 303-688-6994

Invoice No. FP105-17

INVOICE

Customer

Name Craft Bandera Acqition Co. LLC
 Address 1645 Grant St #200
 City Denver State CO Zip 80203
 Phone _____

Date 3/1/2017
 Order No. _____
 Rep _____
 FOB _____

| Qty | Description | Unit Price | TOTAL |
|---|-------------------------------------|------------|------------|
| 1 | Residential Subdivision Plan Review | \$173.00 | \$173.00 |
| 328 | Lots | \$29.00 | \$9,512.00 |
| 1 | Central Water System | \$231.00 | \$231.00 |
| 21 | Fire Hydrants | \$58.00 | \$1,218.00 |
| Independence Subdivision | | | |
| Make check payable to Elizabeth Fire Protection District | | | |

Payment Details

Cash
 Check
 Credit Card N/A

Name _____
 CC # _____
 Expires _____

| | |
|---------------------|--------------------|
| SubTotal | \$11,134.00 |
| Shipping & Handling | \$0.00 |
| Taxes | EXEMPT |
| TOTAL | \$11,134.00 |

Office Use Only



Elizabeth Fire Protection District

155 West Kiowa Ave. PO Box 441
Elizabeth, Colorado 80107
Phone 303-646-3800 Fax 303-688-6994
kara@elizabethfire.com

Kara Gerczynski – Fire Marshal

March 1, 2017

To: Ethan Watel
Project Planner

Re: Independence Subdivision Filing 1 Final Plat
Final Plat for 328 Dwelling Units
FP – 16-0005

Dear Ethan,

I have performed a review of the above project and submit to you the following comments regarding fire protection. I have referenced the 2006 International Fire Code as adopted by our agencies and nationally recognized standards. Please consider these comments as conditions of approval.

Access (902):

Access provisions shall be provided prior to and during the construction of any structure within the project

- Developer will ensure that roadways will meet the minimum requirements of the Elbert County road construction guidelines. These access ways shall comply as well with the provisions set forth by the County Road Engineer.
- Road names were not submitted with the final plat documents. All road names should be approved by the Elizabeth Fire Protection District and the County Mapper prior to recordation of final plat.
- Approved street signs shall be installed prior to the construction of any building within the subdivision.
- On Sheet 2 Fire Note 1 shall only pertain to land owned by individual property owners. Snow removal on the roads shall be maintained by the metro district or the County.
- On sheet 2 Fire Note 5 shall also include “No Parking From Here to Corner” at each road intersection to offset the 32 foot road widths and parking on both sides of the road.

- A map of the development with approved addresses for each lot including the water system tract shall be submitted to this office prior to recordation of final plat.
- Developer shall design or provide an approved means for marking each residence. This marking shall be installed on the street side and shall meet the following criteria.
 - 4" high numbers with a ½" stroke.
 - Colors that contrast the background.

Water Supply (903):

Water supply and fire protection provisions shall be provided prior to and during construction of any structure within the project.

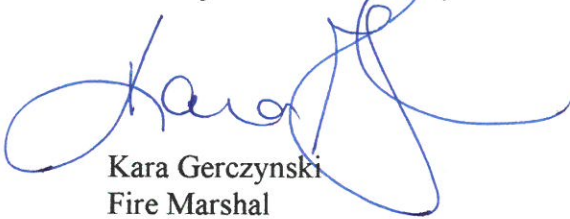
- Developer shall provide for the residential development a minimum fire flow of 1000 gallons per minute for a 60-minute duration using a central water delivery system. This flow shall be provided in excess of the maximum daily domestic water demand. The central delivery system shall be engineered to provide such flow using listed equipment and methods approved by this office.
- The design of the storage for Filing 1 only as set forth by the submitted documents allows for 400,000 gallons to include 180,000 for fire flow based on 1500 gpm for 2 hours. This is acceptable for Filing 1 only. The fire flow could put limitations or sprinkler requirements on any commercial building within the subdivision.
- Approved fire hydrants shall be installed and spaced approximately every 500 feet and shall be approved by this office.
- The following comments are in regard to the review of the fire hydrant locations:
 - Hydrant on Road C shall be moved to the intersection of Road C and Road D to accommodate fire department operations.
 - Hydrant on Road H near lot 11 shall be moved closer to lot 14 to accommodate the 500 foot distance between hydrants
 - Hydrant on Road G near lot 1 shall be moved to the intersection of Road G and Road A to accommodate fire department operations.
 - Hydrant on Road A near lot 1 shall be moved to the South-West intersection of Road A and CR 5.
 - Provide a fire hydrant near the pump house on the access road.
 - If there is a building on Tract K, a fire hydrant shall be added near an access road.
- The fire department access road is acceptable as a second access point. The road shall be maintained during all weather conditions.
- The project shall be able to provide the required fire flow for Phase 1 filing only.

Specific Provisions:

- The developer shall provide proof of compliance with the Developers Gift Agreement prior to recordation of final plat Filing 1.
- The subdivision civil drawings submitted with the package are acceptable drawings for infrastructure review. The developer or civil contractor shall submit a revised set of construction drawings for review to this office **prior to construction.**
- The following plan review fees are due to this office before recordation of final plat filing 1:
 - The subdivision review fee for filing 1 is \$9,685.00
 - The water infrastructure review fee for filing 1 is \$1,449.00

This review is for Final Plat Filing 1 only. It should not be construed as a grant for non-compliance with any locally adopted code or standard. Additional reviews in future stages of planning may dictate additional comments based on review. Please notify this office with any questions or comments regarding this review.

Thank you for the referral,



Kara Gerczynski
Fire Marshal



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



REFERRAL REQUEST

DATE: 1/24/2017 COMMENTS DUE BY: Wed., March 1, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat
PROJECT NUMBER: FP-16-0005
PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

- We have no objections to this proposal.
- Please note the following concerns this organization has with this proposal:

- See the attached letter for detailed comments regarding this proposal.

Date: February 27, 2017

Agency Name: Elizabeth School District

Your name (Please Print Clearly): Ron Patera

Signature: *R Patera*

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

Project Planner



Ron Patera
Director of Finance

February 27, 2017

RE: Independence Subdivision Filing Final Plat

Dear Ms. Fenner,

Thank you for the opportunity to review the referenced project.

Previously members of the Craft companies requested input from the District's transportation department concerning the design of the streets to determine its impact on our ability to safely navigate busses through the development. In reviewing the attached documents, our transportation department's concerns were addressed and are properly reflected in the street layout and widths. As long as the design and street widths do not change from the current proposal, plus the cul-de-sacs remain large enough to accommodate turn around by large class vehicles, the district's busses will be able to safely navigate the neighborhoods.

Another concern of the District is the collections of fees attributable to the development. Currently, the district collects \$2,822 per housing unit due to the impact attributable to growth. Therefore, the district requests that the applicant makes timely payment of all applicable fees.

Finally, with the additional students anticipated from the development, it will increase the amount of revenue the district receives from the State funding formula. The increased funding attributable to this project will improve the district's ability to offer additional programs and help retain quality staff members.

Sincerely,

Ron Patera
Director of Finance and Operations

Ron Patera
Director of Finance and Operations
634 S. Elbert St., P.O. Box 610
Elizabeth, Colorado 80107
rpatera@esdk12.org



Brooks Kaufman
Lands and Rights of Way Director

February 24, 2017

Kyle Fenner
Elbert County
Planning Department
P.O. Box 7
Kiowa, Colorado 80117

Re: INDEPENDENCE SUBDIVISION FILING 1
Case No.: PP-17-0005

Dear Ms. Fenner

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Association has existing overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies.

The Association's is requesting minor revision to the plat (Attached Markup). The Association and the Applicant have been working together on the revisions to plat.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brooks Kaufman", is written over a light blue horizontal line.

Brooks Kaufman
Lands and Rights-of-Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION

5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop

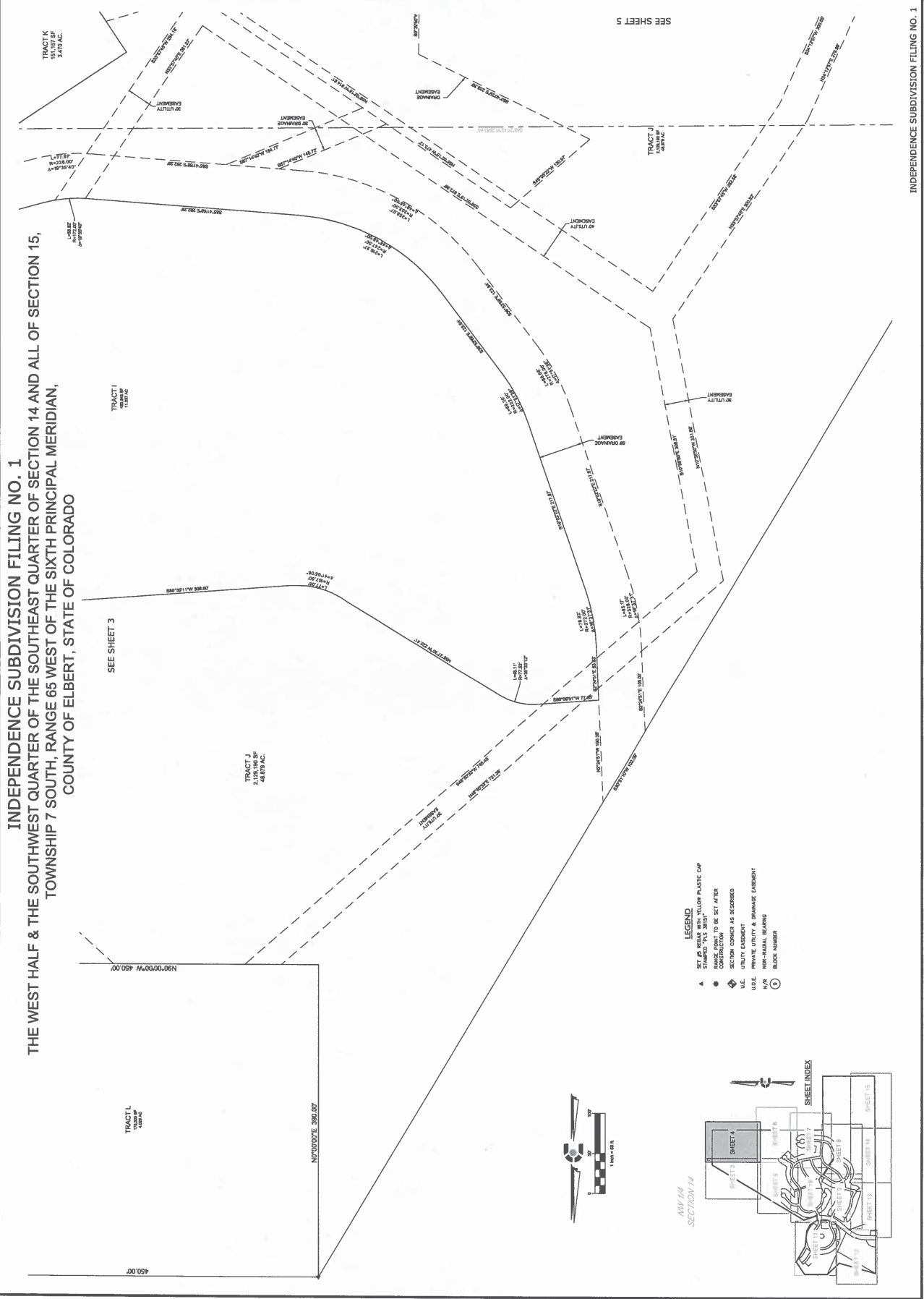
INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO

CORE CONSULTANTS
 CIVIL ENGINEERING
 10000 W. 10TH AVENUE
 SUITE 1000
 DENVER, CO 80202

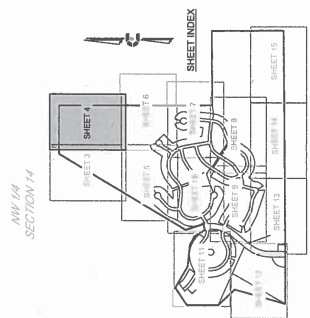
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INDEPENDENCE SUBDIVISION FILING NO. 1

DATE: 11/15/15
 DRAWN BY: JLM
 CHECKED BY: JLM
 JOB NO.: 15-054
 SHEET: 4 OF 15



- LEGEND**
- ▲ SET UP POINT WITH YELLOW PLASTIC CAP
 - ◆ RANGE POINT TO BE SET AFTER CONSTRUCTION
 - ◆ SECTION CORNER AS DESCRIBED
 - U.L. UTILITY EASEMENT
 - U.W. PRIVATE UTILITY & DRAINAGE EASEMENT
 - U.P. PUBLIC UTILITY EASEMENT
 - ① BLOCK NUMBER



INDEPENDENCE SUBDIVISION FILING NO. 1

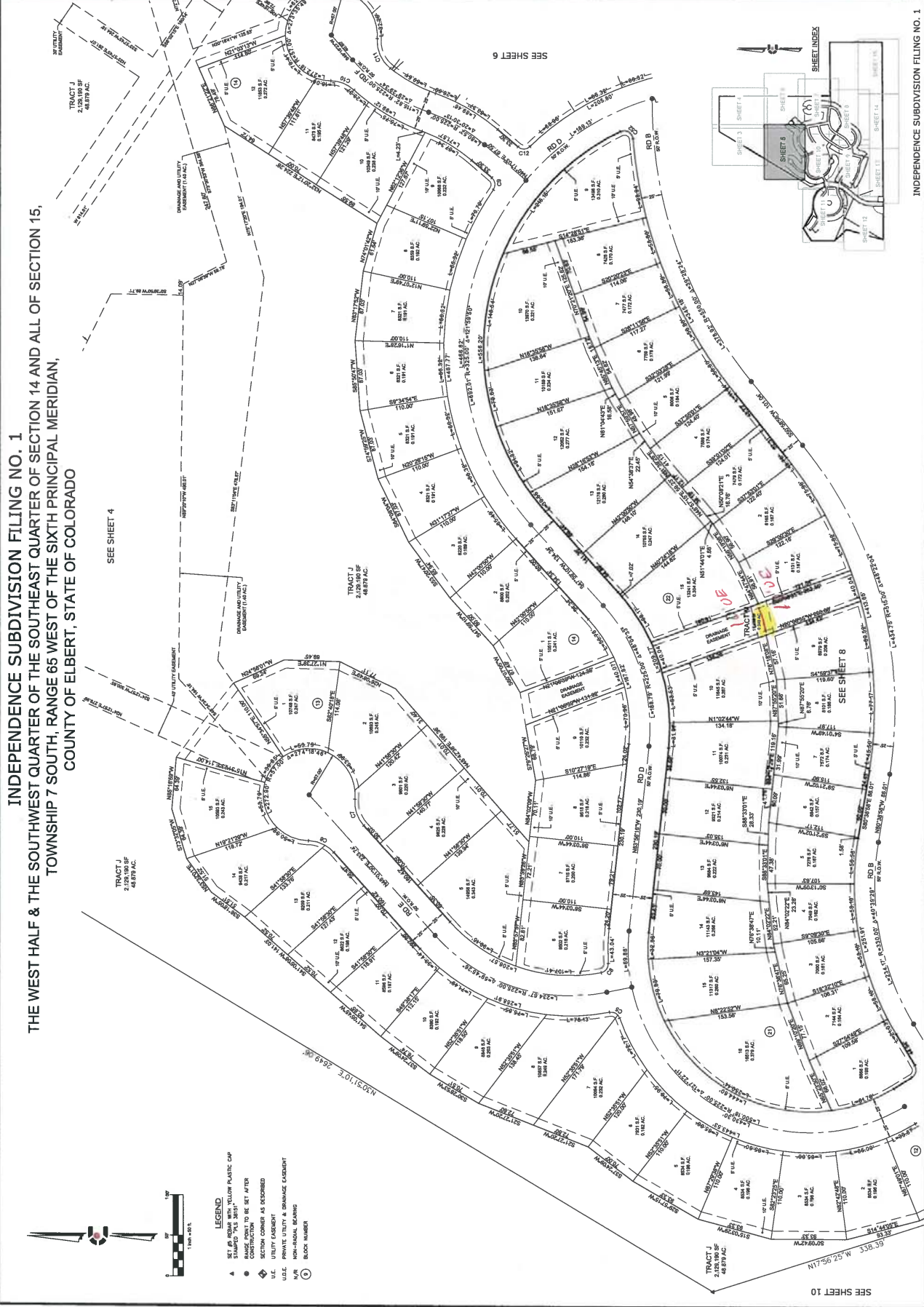
INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO

CORE CONSULTANTS
 224. Middlebrook
 1400 S. Broadway
 Suite 100
 Lakewood, CO 80226

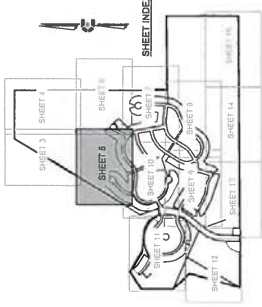
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INDEPENDENCE SUBDIVISION FILING NO. 1

INITIAL PLAN PREPARED BY: JBL
 CHECKED BY: JBL
 DATE: 08/11/15
 JOB NO. 15-054
 SHEET 5 OF 15



- LEGEND**
- ▲ SET AS PERMANENT WITH YELLOW PLASTIC CAP
 - ◊ STAMPED "X" SET AFTER CONSTRUCTION
 - SECTION CORNER AS DECIDED
 - UTILITY EASEMENT
 - U.E. PRIVATE UTILITY & EASEMENT EXHIBIT
 - N/A NON-ROADWAY BEARING
 - ① BLOCK NUMBER



SEE SHEET 4

SEE SHEET 6

SEE SHEET 10

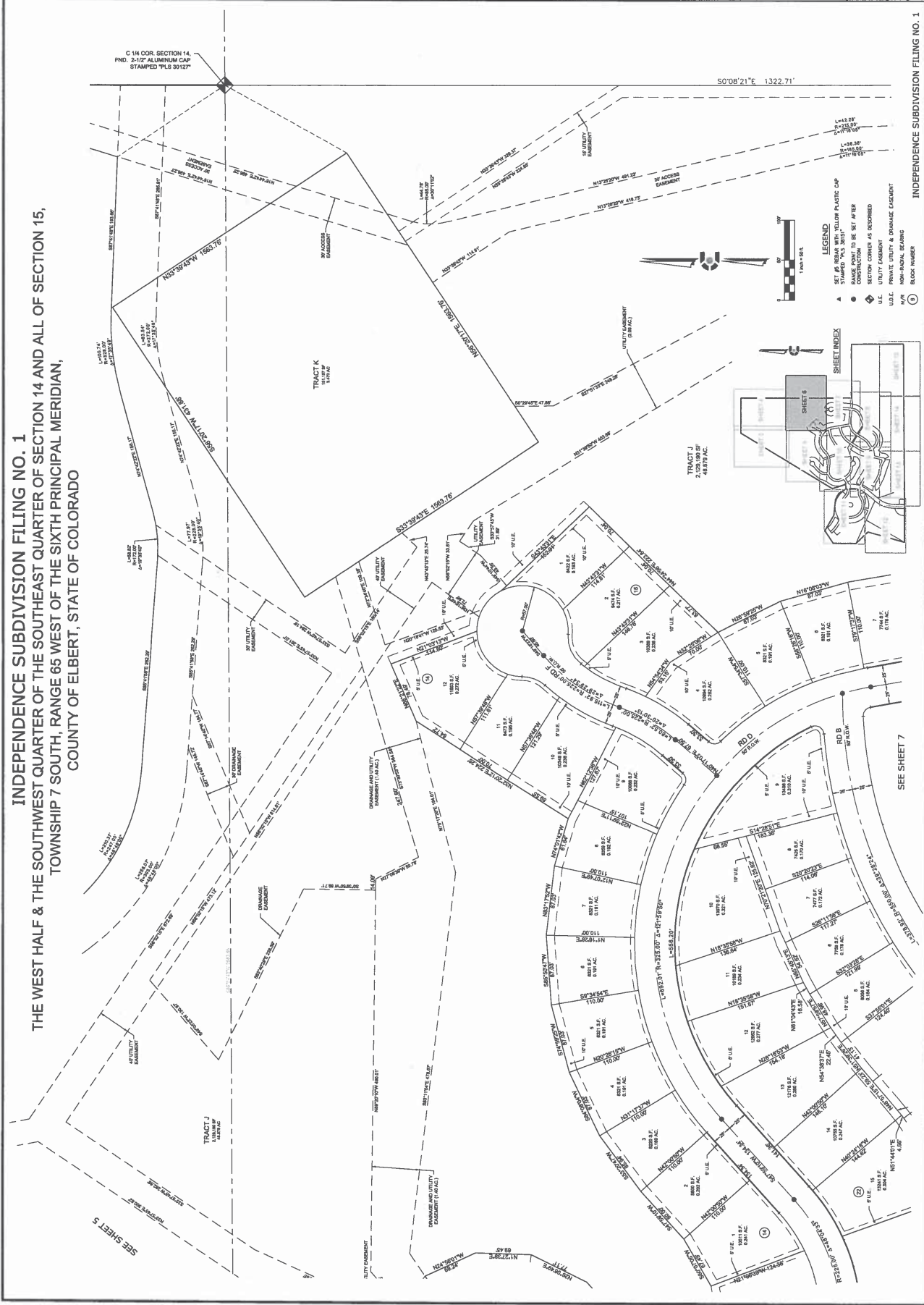
INDEPENDENCE SUBDIVISION FILING NO. 1

INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO

CORE CONSULTANTS
 CIVIL ENGINEERS
 LAND SURVEYORS
 SURVEYING CONSULTANTS
 303.444.4444
 1800 W. 14th Street, Suite 100
 Fort Collins, CO 80504

| NO. | DESCRIPTION | DATE | BY |
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INDEPENDENCE SUBDIVISION FILING NO. 1
 JOB NO. 15-054
 SHEET 6 OF 15



INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO

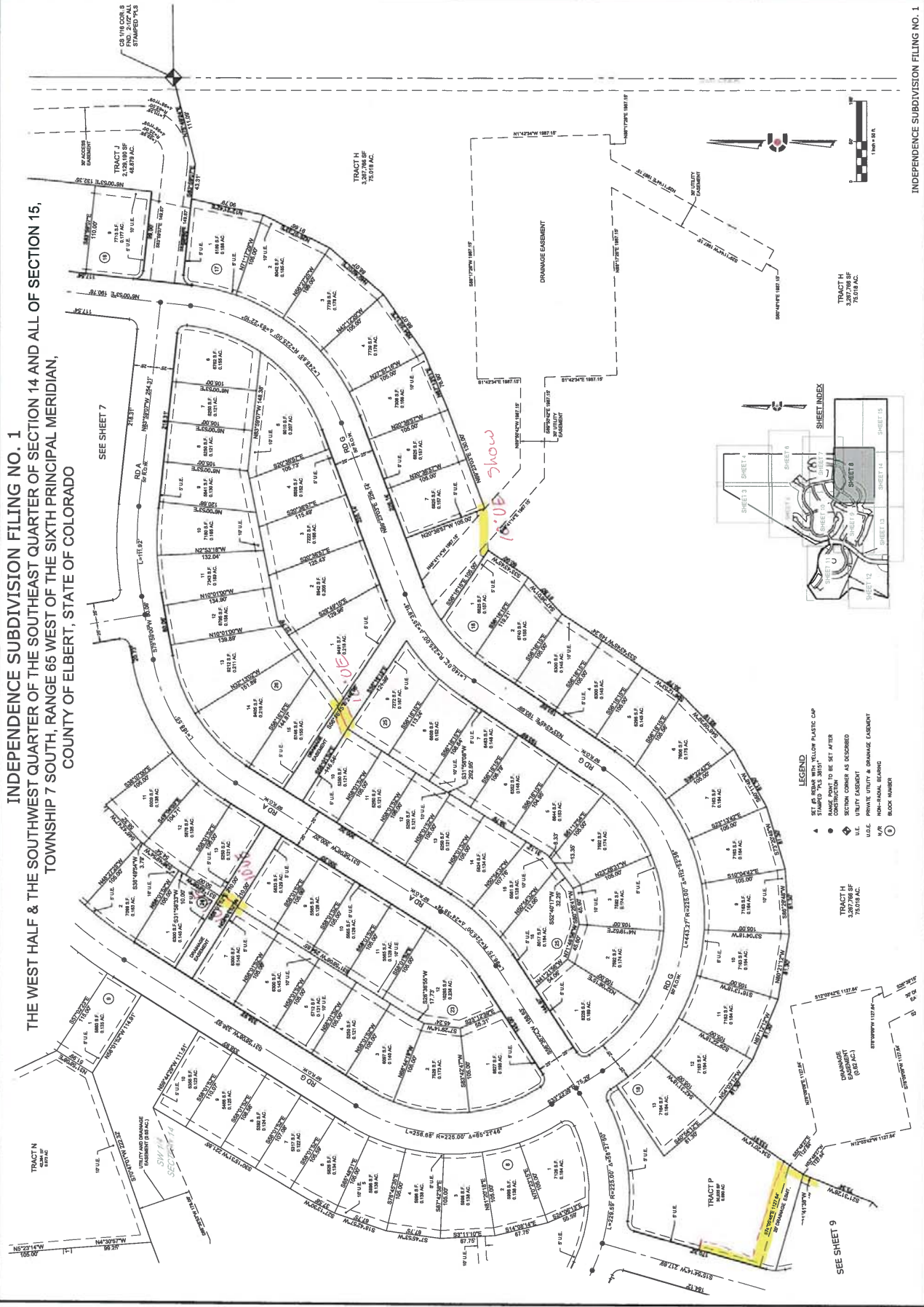
CORE CONSULTANTS

1500 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 PHONE: 303.733.4444
 FAX: 303.733.4444
 EMAIL: INFO@CORECONSULTANTS.COM
 WWW.CORECONSULTANTS.COM

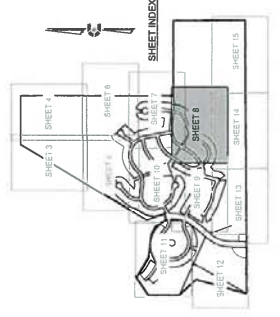
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INDEPENDENCE SUBDIVISION FILING NO. 1

JOB NO. 15-054
 SHEET NO. 8 OF 15



- LEGEND**
- ▲ SET AS BURN WITH YELLOW PLASTIC CAP STAMPED "PLS 3011"
 - TO BE SET AFTER CONSTRUCTION
 - ◆ SECTION CORNER AS DISCLOSED
 - U.L. UTILITY EASEMENT
 - U.D. PRIVATE UTILITY & DRAINAGE EASEMENT
 - N/R NON-RURAL EASING
 - Ⓢ BLOCK NUMBER



INDEPENDENCE SUBDIVISION FILING NO. 1

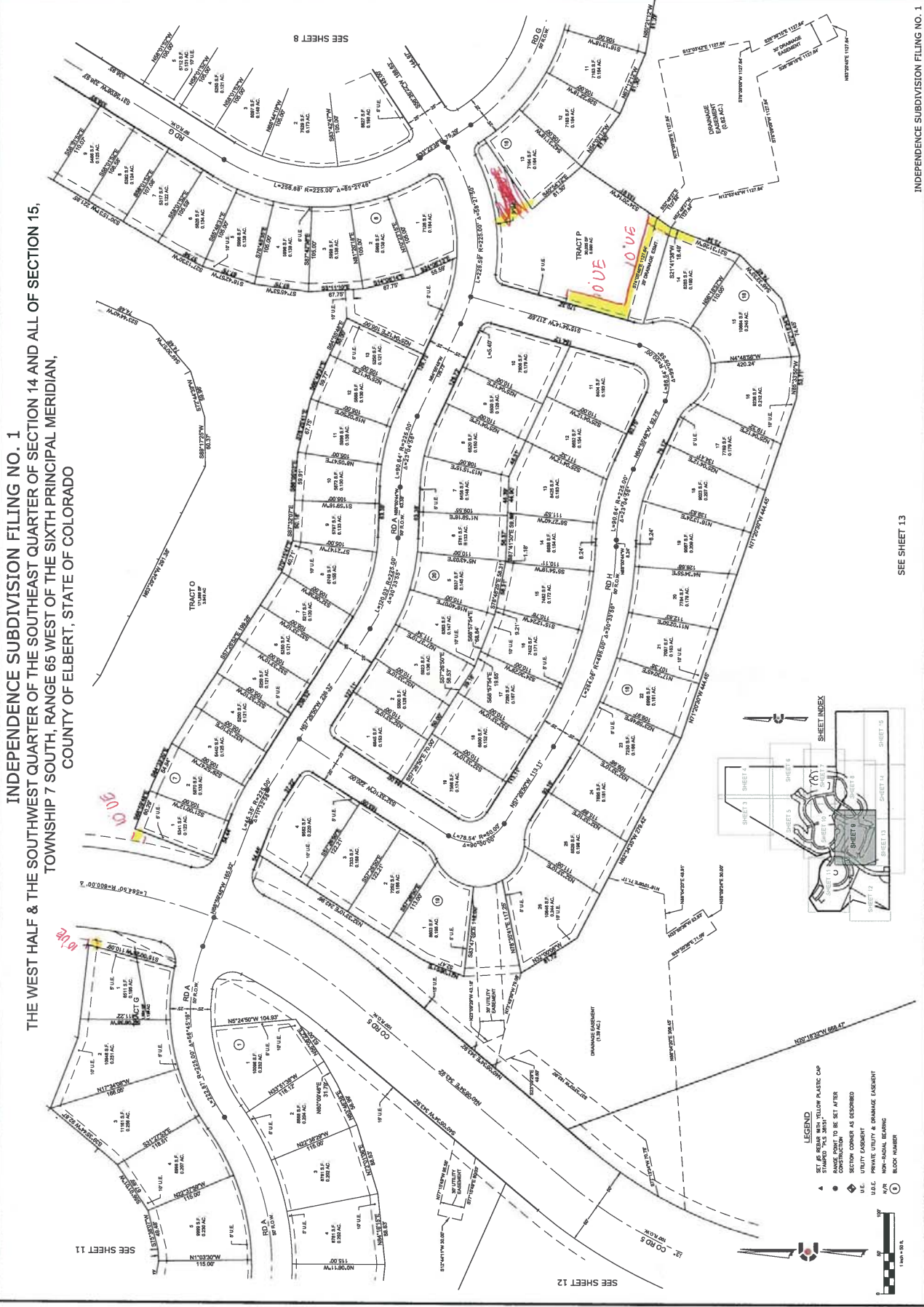
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 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO



CORE CONSULTANTS
 CIVIL ENGINEERING
 SURVEYING & MAPPING
 LAND MANAGEMENT
 1000 W. Lincoln Blvd., 2nd Fl. Suite 100
 FORT COLLINS, CO 80526
 PHONE: 970.226.4444
 FAX: 970.226.4444

| NO. | DESCRIPTION | DATE | BY |
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INDEPENDENCE SUBDIVISION FILING NO. 1
 SHEET NO. 15-054
 SHEET 15 OF 15



SEE SHEET 11

SEE SHEET 12

SEE SHEET 13

SEE SHEET 14

SEE SHEET 15

SEE SHEET 16

SEE SHEET 17

SEE SHEET 18

SEE SHEET 19

SEE SHEET 20

SEE SHEET 21

SEE SHEET 22

SEE SHEET 23

SEE SHEET 24

SEE SHEET 25

SEE SHEET 26

SEE SHEET 27

SEE SHEET 28

SEE SHEET 29

SEE SHEET 30

LEGEND

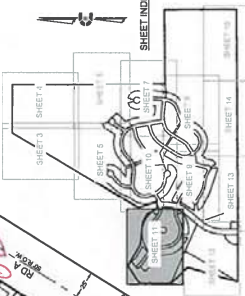
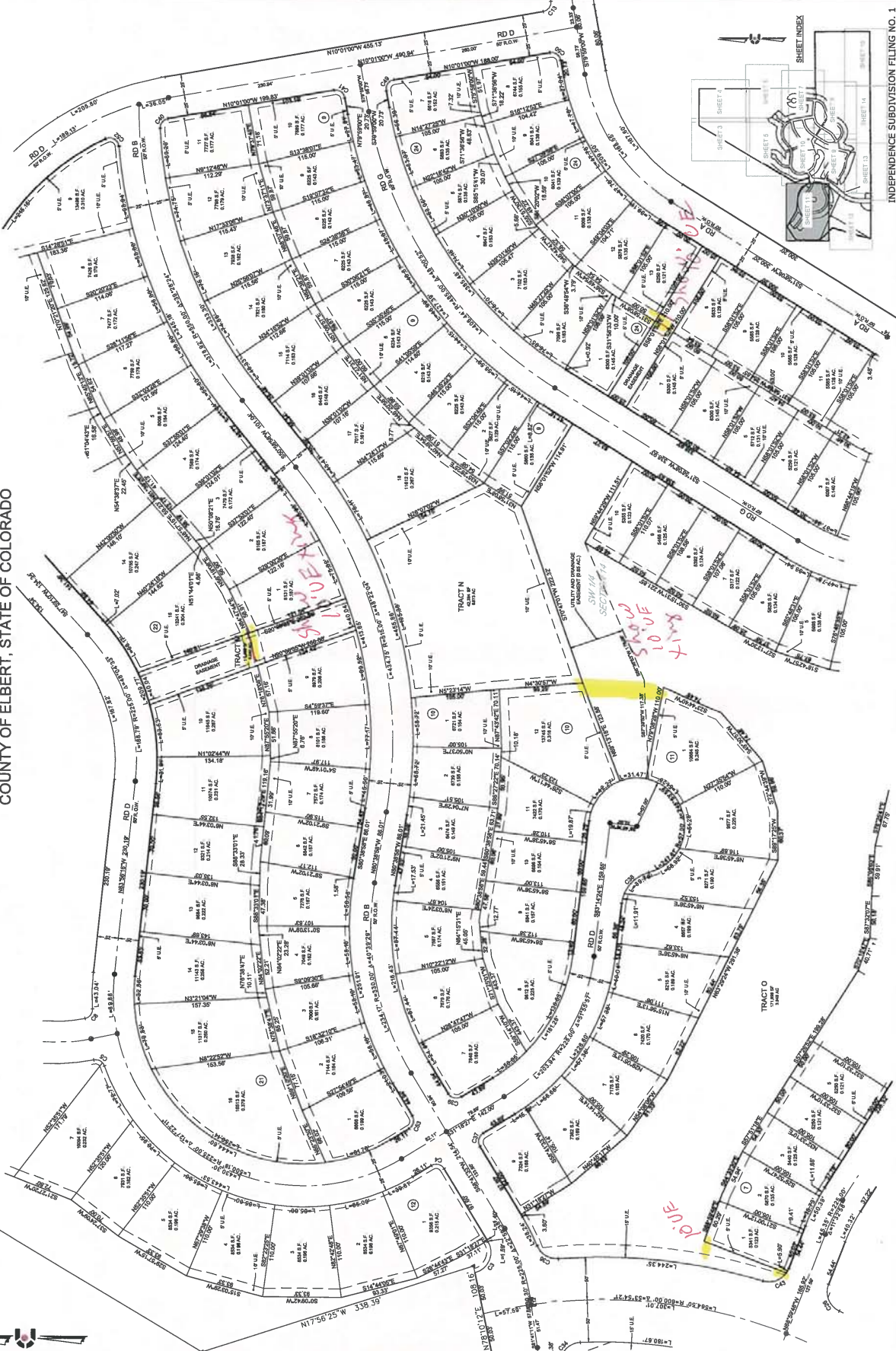
- YELLOW PLASTIC CAP
- STAMPED WITH
- RANGE POINT TO BE SET AT THE
- CONSTRUCTION
- SECTION CORNER AS EXHIBED
- U.S.C. MONUMENT (UTILITY & ORANGE CUES)
- U.S.C. MONUMENT (UTILITY & ORANGE CUES)
- NON-RADIAL BEARING
- BLOCK NUMBER

1" = 30'



INDEPENDENCE SUBDIVISION FILING NO. 1
 SHEET 15 OF 15

INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO



| NO. | DESCRIPTION | DATE | BY |
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INDEPENDENCE SUBDIVISION FILING NO. 1

DATE: 01/15/15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 JOB NO.: 15-054
 SHEET NO.: 01_15

CORE CONSULTANTS
 CIVIL ENGINEERS
 SURVEYING CONSULTANTS
 LAND SURVEYING
 3800 N. LARAMIE BLVD., SUITE 100
 DENVER, CO 80202

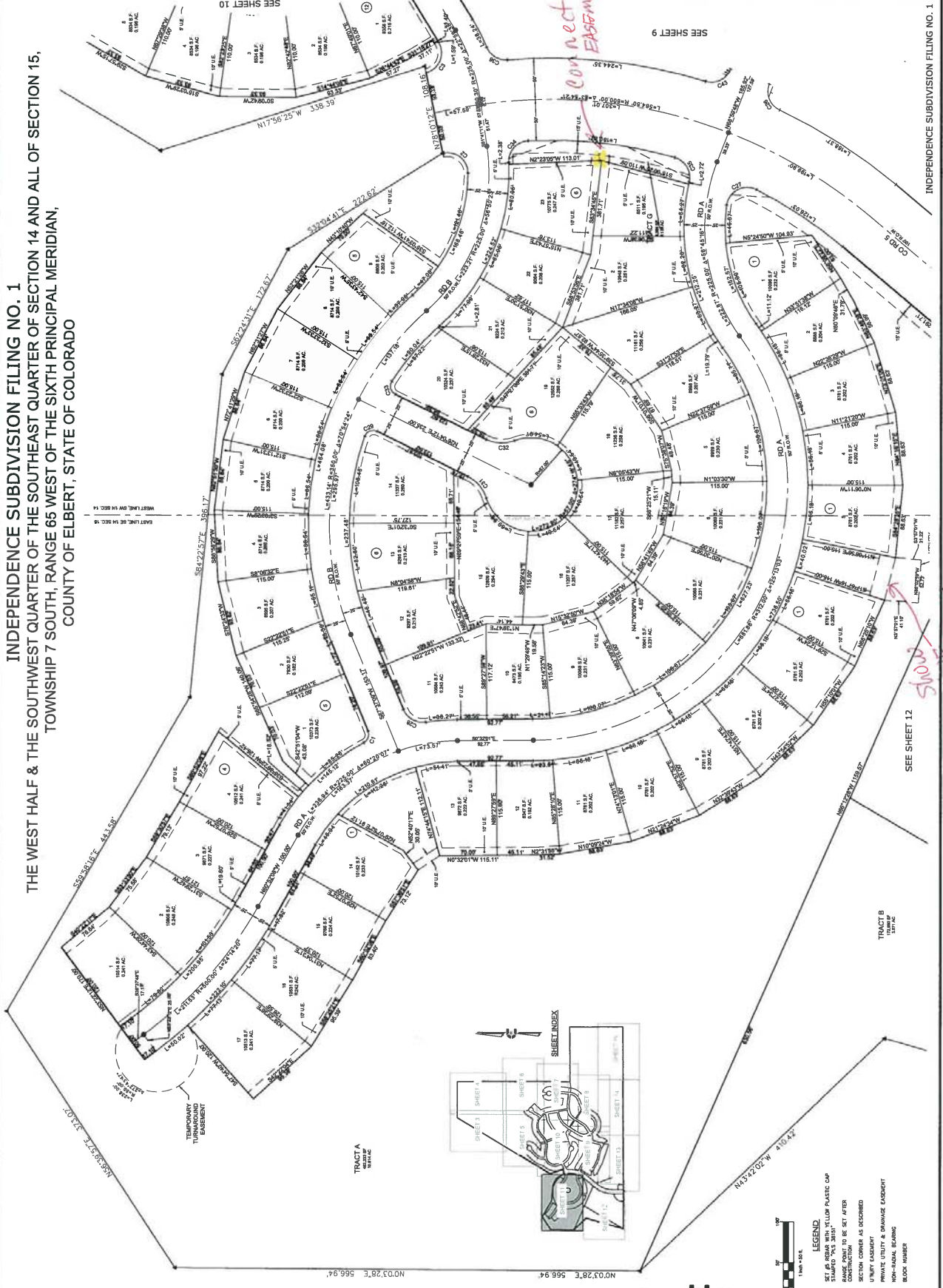
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 TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO



| NO. | DESCRIPTION | DATE | BY |
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INDEPENDENCE SUBDIVISION FILING NO. 1
 CORRECT EASEMENTS

| | |
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| DATE | 11-13-15 |
| BY | |
| CHECKED BY | |
| JOB NO. | 15-054 |
| SHEET | 11 OF 15 |



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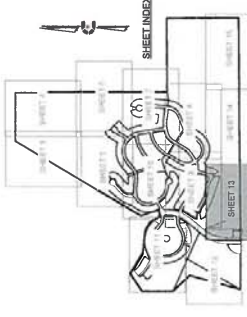
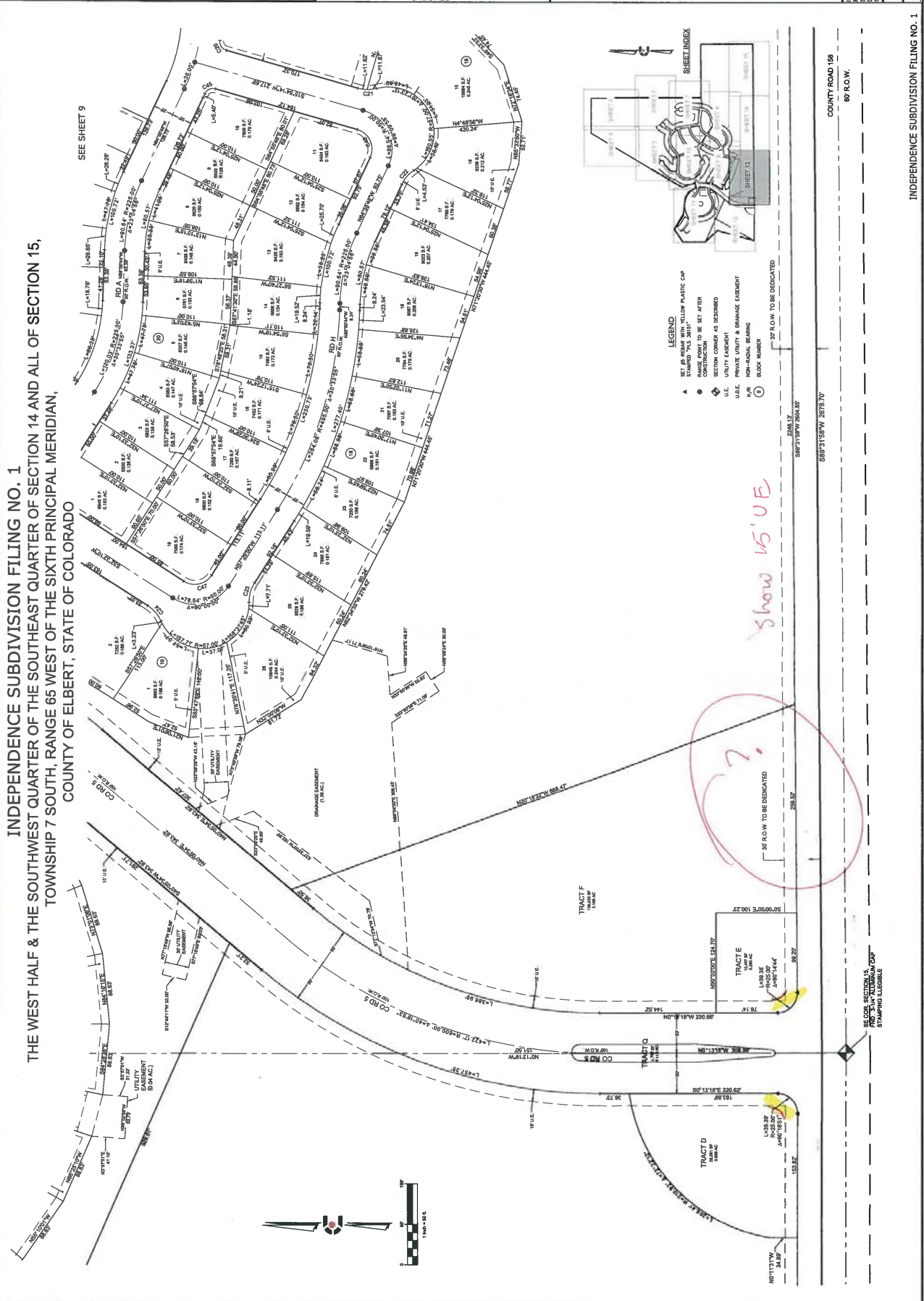
INDEPENDENCE SUBDIVISION FILING NO. 1
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 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO

CORE CONSULTANTS
 303.528.4444
 1800 N. Lincoln Blvd., Suite 100
 Littleton, CO 80120
 CIVIL ENGINEERING
 LAND ENGINEERING
 SURVEYING & CONSTRUCTION

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
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INDEPENDENCE SUBDIVISION FILING NO. 1

INITIAL PLAN
 DESIGNED BY: []
 CHECKED BY: []
 JOB NO.
 15-054
 SHEET
 13 OF 15

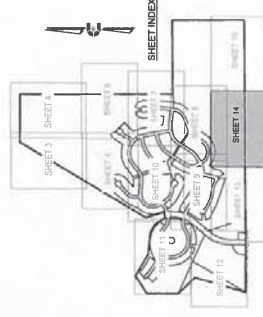
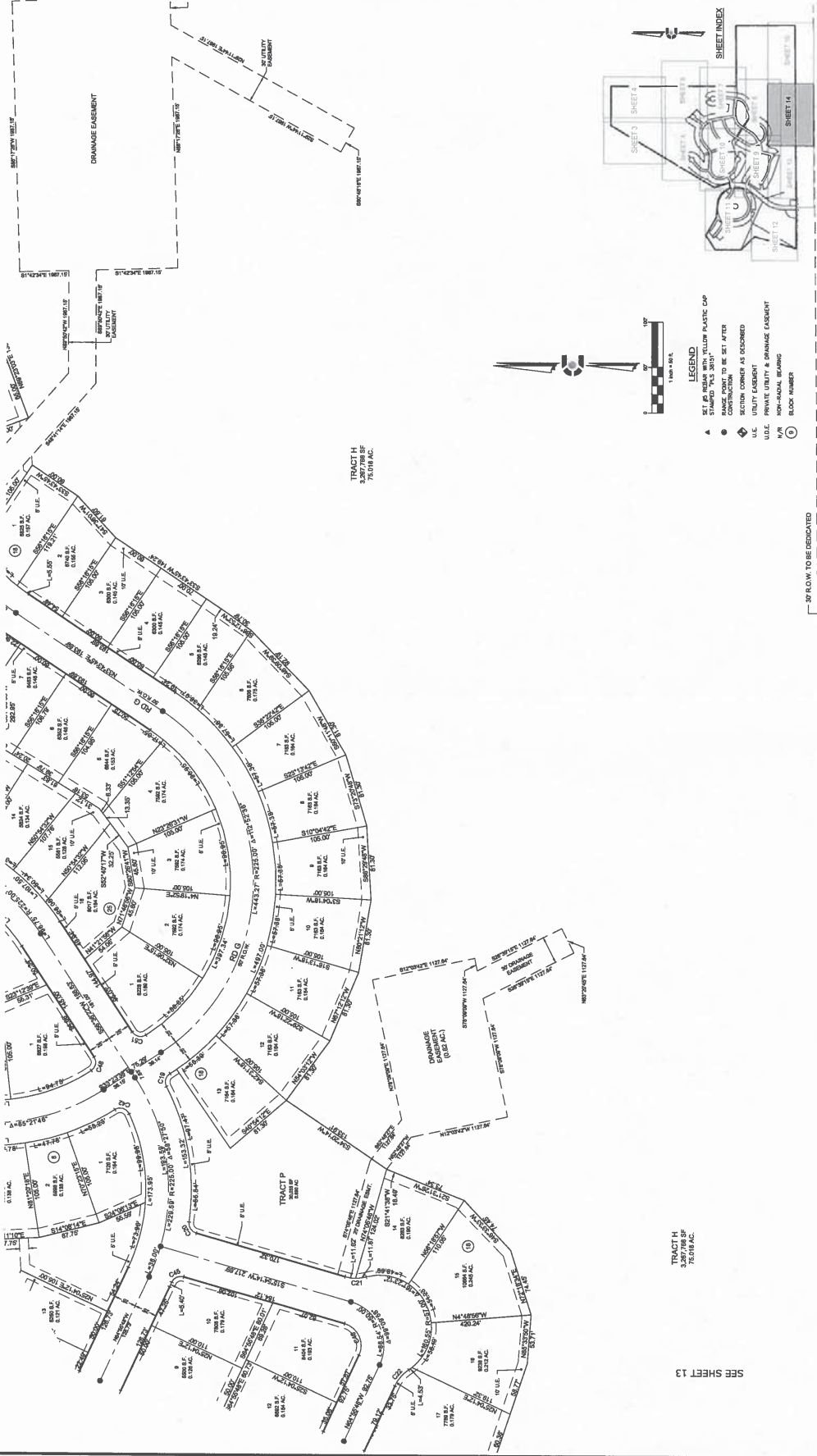


- LEGEND
- ▲ SEE AS MARK FOLLOW PLUMB PLUMB CAP
 - PAVEMENT TO BE SET AFTER
 - ◆ SECTION CORNER AS SHOWN
 - U.I.E. UTILITY EASEMENT
 - N.P.R. NON-RADIAL BEARING
 - ⊙ BLOCK NUMBER

30' R.O.W. TO BE DEDICATED

SEE COR. SECTION 15,
 AND T.W. "MIDLAND" COPY
 SHOWN HEREIN

INDEPENDENCE SUBDIVISION FILING NO. 1
 THE WEST HALF & THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 AND ALL OF SECTION 15,
 TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ELBERT, STATE OF COLORADO



- LEGEND**
- ▲ SET AS MARK WITH YELLOW PLASTIC CAP
 - MARK TO BE SET AFTER CONSTRUCTION
 - ◆ SECTION CORNER AS DESCRIBED
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - N/A. NON-RADIAL BEARING
 - Ⓢ BLOCK NUMBER

SEE SHEET 13

37' R.O.W. TO BE DEDICATED
 23481.37'
 589'31.54'W 2044.85'

589'31.54'W 2079.70'
 COUNTY ROAD 158
 80' R.O.W.

589'31.54'W 2079.70'
 COUNTY ROAD 158
 80' R.O.W.

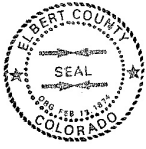
INDEPENDENCE SUBDIVISION FILING NO. 1
 SHEET
 14 OF 15

CORE CONSULTANTS
 CIVIL ENGINEERING
 3000 S. W. 10TH AVE., SUITE 100
 DENVER, CO 80202
 303.755.4444
 303.755.4444
 303.755.4444

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| | | | |
| | | | |
| | | | |

INDEPENDENCE SUBDIVISION FILING NO. 1

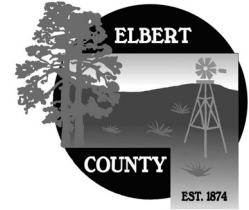
INITIAL PLAN
 PREPARED BY: JDL
 CHECKED BY: JDL
 DATE: 11/15/14
 JOB NO.
 15-054
 SHEET
 14 OF 15



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



SECTION 3:

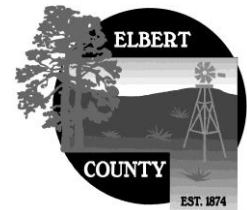
2nd Referral Comments



COUNTY OF ELBERT

PLANNING DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



APPLICATION COMMENTS

Review Date: March 24, 2017

CDS Review Staff: Ethan Watel, AICP (Project Planner)
Todd Rand, PE (Project Engineer)
Aaron Demo, PLS (Project Surveyor)

Name of Application: Independence Filing 1 Subdivision Final Plat

Case Number: FP-16-0005

Applicant/Representative name and address: Tim Craft, Craft Bandera Acquisition Company, LLC o/b/o Bluegreen Investments, LLC

Physical Address of proposal: North of CR 158, adjacent to Douglas County line (Parcels #7514200001 & 7514300002)

Section, Township and Range: Sections 14 & 15, Township 7S, Range 65W, 6th P.M.

Craft Bandera Acquisition Company, LLC has submitted a second submittal for an application for a subdivision Final Plat on a portion of the approximately 1,012 acre site known as Independence (f/k/a Bandera). The final plat proposes to plat 328 single family lots, 22 tracts, and public rights-of-way on the site, in conformance with the approved Planned Unit Development zoning on the property. The property was rezoned under the Bandera East and Bandera West PUDs, approved in 2009. A preliminary plat application for the entire Independence project is being processed concurrently.

The application materials were received and sent on a 14-day referral period to internal and external referral agencies.

The following agencies provided a response:

- Elbert County Community & Development Services:
 - Baseline Corporation Planning Division
 - Baseline Corporation Engineering Division
 - Baseline Corporation Survey Division
- Black Hills Energy
- Colorado Division of Water Resources (email stating that April comments still stand)
- Elbert County Assessor (Mapper)
- Elbert County Environmental Health
- Elizabeth Fire Protection District
- Intermountain Rural Electric Association

The following agencies were provided with the application materials and did not respond to this re-submittal as of the writing of this memo:

- CenturyLink

- Colorado Department of Transportation
- Colorado Parks and Wildlife
- Colorado State Forest Service
- Douglas County (Addressing, Engineering, Planning)
- Elbert County Assessor
- Elbert County Building Department
- Elbert County Clerk and Recorder
-
- Elbert County Office of Emergency Management
- Elbert County Public Works
- Elbert County Sheriff
- Elbert County Treasurer
- Elizabeth Consolidated School District #C-1
- Elizabeth Park & Recreation District
- Kiowa Conservation District

Please note that all agencies listed above were also sent the application for the Preliminary Plat for Independence Subdivision (submitted concurrently). Some agencies' comments on each application may be relevant to both applications.

Summary of Community & Development Services Comments:

Baseline Planning (Ethan Watel unless noted otherwise):

1. As discussed with you previously, we would like to explore the platting of the entire 1,012 acre ownership in Filing 1, reserving future tracts for further subdivision. This provides you the advantage of dedicating the entire required ROW for Hilltop Road and Delbert Road at the outset of the project.

Applicant response: Please see revised Final Plat accompanying this letter for modifications. The Final Plat has been updated to include the entire property and all requested ROW will be dedicated thereby or by Special Warranty Deed.

County response: The revisions to the Final Plat to include the entire property are acceptable as desired. Thank you.

2. Please address the planning redlines provided on the Final Plat. Please let me know if you have any questions or need clarifications.

Applicant response: All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.

County response: Redlines have been addressed. Please see minor additional redlines provided on the latest submittal of the plat.

3. Landscape plans (Comments from Julie Esterl, Baseline Planning): Please see redlines in the Landscape Plans. Is there a reason the trail along CR 5 is not shown extending down to Hilltop? Will this be phased?

Applicant response: Please see revised Public Improvement Construction Plans (Landscape Plan) accompanying this letter for modifications, along with a response letter prepared by BrightView Design Group. Specifically, the trail along CR 5 is now shown extending down to Hilltop Road.

County response: See attached comment memo from Julie Esterl responding to Brightview's memo and the latest Landscape Plan submittal. Please also refer to accompanying redlines.

4. Subdivision Improvement Agreement: Please develop a phasing schedule of the required off-site improvements for use in negotiating the Subdivision Improvements Agreement.

Applicant response: The requested schedule has been prepared and is enclosed with this letter for reference. The Subdivision Improvement Agreement is currently being negotiated with Elbert County.

County response: A phasing plan was submitted however there are no triggers or timing associated with the proposed off-site improvements. Please continue to coordinate with Public Works on Subdivision Improvement Agreement and agree on milestones.

Baseline Engineering (Todd Rand, PE):

5. Please address the engineering redlines provided on the Final Drainage Report, GESC Report, GESC Plans, and Public Improvement Construction Plans.

Applicant response: All redlines were addressed. Please see revised Final Drainage Report, GESC Report, GESC Plans, Public Improvement Construction Plans and Final Utility Report accompanying this letter for modifications. Responses to comments can be found in the PDF file.

County response: Comment resolved with the exception of some redlines comments on Public Improvement Construction Plans and Final GESC Plans. Refer to redlines.

Baseline Surveying (Aaron Demo, PLS):

6. Show road right of way book and page.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

7. The plat boundary should go to the edge of the southern property to prevent the creation of gaps.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

8. All lots need bearings and distances to properly close the lot.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

9. All easements need bearing and distance measurements along with ties to property line to verify closure.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

10. The boundary description does not contain the whole deeded parcel; there should be some reference to original boundary.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

11. Please add sheet 16 so the whole boundary of the subdivision is properly shown.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

12. Mask test so that lines do not cut through text making it hard to read.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: There a few minor pieces of text that need to be corrected. See redlines.

13. The right of way linetype needs to be consistent.

Applicant response: Please see revised Final Plat accompanying this letter for modifications.

County response: Comment resolved.

14. See redline comments on the Final Plat document.

Applicant response: All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.

County response: Redlines have been addressed. Please see minor additional redlines provided on the latest submittal of the plat.

Elbert County Assessor (Mapper):

15. See comment from Bart Chambers regarding street names.

Applicant response: Please see Road Name Exhibit accompanying this letter for all requested information.

County response: See new comments from Bart Chambers regarding street prefixes and suffixes.

Colorado Geological Survey:

16. See attached comments from Jill Carlson.

Applicant response: Although these comments were advisory in nature, please see letter prepared by CTL Thompson Incorporated accompanying this letter regarding best practices for development in areas with slopes exceeding 20%. Applicant intends to follow these recommendations.

County response: Comment resolved.

Elizabeth Fire Protection District:

17. See attached comments from Kara Gerczynski, Fire Marshall.

Applicant response: Please see response letter to Elizabeth Fire Protection District accompanying this letter addressing each of the comments made in their letter of March 1, 2017.

County response: Kara Gerczynski, Fire Marshall with Elizabeth Fire District, responded with comments, please see attached.

Elizabeth School District

18. See attached comments from Ron Patera, Director of Finance and Operations.

Applicant response: No response is required.

County response: No new comments received with second submittal.

Black Hills Energy

19. No comments.

Applicant response: No response is required.

County response: Black Hills Energy responded to the 2nd submittal with no comment.

Douglas County:

20. See attached comments from Douglas County Addressing, Engineering, and Planning.

Applicant response: Please see email correspondence with Douglas County Address Specialist and 911 Data Specialist accompanying this letter and addressing their comments to the Application. Additionally, regarding the questions posed by Douglas County Planning, ROW will be dedicated along the entire western border of the Property. It is Applicant's intention to acquire the necessary ROW to construct Delbert Road north of the future CR 5 to Singing Hills Road. Applicant acknowledges that much of said ROW is located in Douglas County.

County response: We did not receive updated comments on the 2nd referral from Douglas County. The street names in Filing 1 appear to be resolved as far Douglas County is concerned. Douglas County is allowed to approve/deny street names since they run the 911 call system. Elbert County ultimately has the final say on street names within its boundaries. Elbert County has additional comments on street suffixes, provided in the comments from County Mapper Bart Chambers.

The applicant is proposing to dedicate 120 feet of ROW for Delbert Road, in phases, on its property entirely within Elbert County. This appears to partially satisfy Douglas County's position that it will not assist in ROW acquisition. We continue to urge the applicant to work with Elbert County, Douglas County, and area landowners on a common sense plan for Delbert Road ROW.

Intermountain Rural Electric Association

21. Please review the Brooks Kaufman's response regarding requested utility easements.

Applicant response: Please see revised Final Plat accompanying this letter for modifications to accommodate the requests of Intermountain Rural Electric Association.

IREA provided updated comments. Please address the additional utility easements requested along CR 5 and Delbert Road. These easements could be dedicated on the final plat for Filing 1 or at the time of future subdivision of the remainder tracts.

New comments from Elbert County (Baseline)

22. A trail easement may be warranted for across Tract D as it is designated as a Director's Parcel, will be maintained by the Owner, and has a trail running through it.

23. Verify the desired ownership of tracts planned to be neighborhood park tracts. Tract P is to be owned by the Independence Overlay Metro District. The other tract with a Neighborhood Park, Tract N, will be owned by Independence Metro District No. 1. Why is there a difference?

Next Steps:

A Planning Commission hearing date has been set for June 27, 2017. A Board of County Commissioners hearing date has been set for August 9, 2017. As of the date of this memo the applicant has already placed the required notice in the newspaper (Elbert County News). Mailed notices and sign notices are required to be sent and posted no later than 30 days prior to the Planning Commission hearing, or Sunday, May 28, 2017. Since this date falls on a Sunday the mailed notices must be sent by Saturday, May 27, 2017.

It is imperative that all comments be addressed prior to the Planning Commission hearing. Please provide a response back by noon on Monday, June 5, 2017.

The applicant is responsible for printing and preparing copies of application materials for the Planning Commission packets. Please provide eleven (11) paper copies, bound, of all materials by Tuesday, June 13, 2017 to Elbert County CDS (or Baseline). CDS staff will distribute the materials to the Planning Commission prior to the hearing and keep copies available for public review. I will follow up with you regarding the specific materials that need to be provided and in what format.

Please resubmit the Filing 1 Final Plat application materials that require amendment along with a response to comments.

Please let me know if you have any questions.

Sincerely,



Ethan Watel, AICP
Baseline Corporation

o/b/o Elbert County Community & Development Services

CC: Kyle Fenner, Elbert County CDS
Vince Harris, AICP, Baseline

Attachments:

- Landscape Plan Comment Memo
- Redlined Landscape Plan (Baseline Planning)
- Redlined Final Plat (Baseline Surveying)
- Redlined GESC Plans (Baseline Engineering)
- Redlined Public Improvement Construction Plans (Baseline Engineering)

- Referral responses received from:
 - Elbert County Mapper
 - Black Hills Energy
 - Elizabeth Fire Protection District
 - Intermountain Rural Electric Association
 - Elbert County Dept of Health and Human Services

Ethan Watel

From: Zuroff, Ron <Ron.Zuroff@blackhillscorp.com>
Sent: Saturday, May 06, 2017 7:18 AM
To: Ethan Watel
Subject: Re: Independence Filing 1 Final Plat 2nd submittal

No comment from Black Hills Energy Ethan! Thanks Ron

From: Ethan Watel <ethan@baselinecorp.com>
Sent: Friday, May 5, 2017 4:44 PM
To: Kyle Fenner (Kyle.fenner@elbertcounty-co.gov)
Cc: Ethan Watel
Subject: Independence Filing 1 Final Plat 2nd submittal

***** This email is from an EXTERNAL sender *****

Use caution before responding. **DO NOT** open attachments or click links from unknown senders or unexpected email. If this email appears to be sent from a BHE employee or department, verify its authenticity before acting or responding. Report suspected phishing messages by forwarding them to **Report Phishing**. Contact the Helpdesk with questions.

Good afternoon,

Elbert County CDS received a revised application for the Independence Subdivision Filing 1 Final Plat Preliminary Plat (Elbert County Case No. FP-16-0005). You or someone in your organization may have provided comments on the first submittal of this application.

Please let me know if you have any additional comments by Friday, March 19, 2017.

The revised submittal materials can be found at this link.

Final Plat Application:

https://www.dropbox.com/sh/oj8eeky7u90gtnk/AACTD3wqY6wbQZfyCSp2_0Fra?dl=0

Thank you.

ETHAN WATEL, AICP | Senior Planner, Project Manager | Baseline Engineering, Planning, & Surveying |
1950 Ford Street | Golden, CO 80401 | Phone: 303.202.5010x218 | Fax: 303.940.9959 | Cell: 720.239.2835 |
www.baselinecorp.com

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Elizabeth Fire Protection District

155 West Kiowa Ave. PO Box 441

Elizabeth, Colorado 80107

Phone 303-646-3800 Fax 303-688-6994

kara@elizabethfire.com

Kara Gerczynski – Fire Marshal

May 24, 2017

To: Ethan Watel
Project Planner

Re: Independence Subdivision Filing 1
Preliminary Plat - PP-17-0006
Final Plat - FP – 16-0005

Dear Ethan,

I have reviewed the response letter dated April 17, 2017 from the Craft Bandera Acquisition Company. The review is based on the 2006 International Fire Code and local amendments. I **approve** the project to be filed for preliminary and final plat with the following comments:

- The hydrant at the end of Ellery Place will be sufficient to handle any buildings on Tract K as long as the fire hydrant is within 400 feet to all point of any buildings on Tract K.
- The Developers Gift Agreement has been approved by both parties. We are waiting on signatures to finalize the document. The 99-35 letter will not be released until the document is signed.
- We have included an amended invoice to include a credit from review fees that were paid by the Bandera project.
- At the time of infrastructure construction, any commercial building including pump house and/or waste water treatment plant buildings shall be submitted to this office for review.

Sincerely,

Kara Gerczynski
Fire Marshal



Elizabeth Fire Protection District

155 West Kiowa Ave. PO Box 441

Elizabeth, Colorado 80107

Phone 303-646-3800 Fax 303-688-6994

kara@elizabethfire.com

Kara Gerczynski – Fire Marshal

May 4, 2017

Craft Bandera Acquisition Companies LLC
1787 s Broadway, 2nd Floor
Denver, CO 80210

Re: Invoice Filing #1

Dear Tim,

On April 6, 2007 Timber ridge LLC made a payment of \$3,755.00 toward the first filing of the Bandera project. Since the original submittal is the basis for the new filing we will apply the \$3,755.00 to the Independence Filing 1.

Attached is a copy of the new invoice. Please let me know if you have any questions.

Sincerely,


Kara Gerczynski
Fire Marshal

ELIZABETH FIRE PROTECTION DISTRICT

INVOICE

P.O. BOX 441
ELZIABETH, CO. 80107
Phone 303-646-3800

DATE: 5-8-2017
INVOICE #FP105-17R

Bill To:

Craft bandera Acquition Co. LLC
1645 Grant St. Suite 200
Denver, Co. 80203

| DESCRIPTION | AMOUNT |
|--|--------------------|
| 1-Residential Subdivision Plan Review | \$ 173.00 |
| 328- Lots @ \$29.00 per lot | 9,512.00 |
| 1-Central Water System | 231.00 |
| 21 Fire Hydrants @ \$58.00 each | 1,218.00 |
| <i>Credit - First Filing Bandera Project</i> | (3,755.00) |
| Independence Subdivison | |
| Makes check payable to Elizabeth Fire Protection District | |
| TOTAL | \$ 7,379.00 |



*Brooks Kaufman
Lands and Rights of Way Director*

May 18, 2017

Kyle Fenner
Elbert County
Planning Department
P.O. Box 7
Kiowa, Colorado 80117

Re: INDEPENDENCE SUBDIVISION FILING 1 FINAL PLAT
Case No.: FP16-0005

Dear Ms. Fenner

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, service requirements and environmental impact.

The Association approves of the final plat for Independence Subdivision. The Association will request any necessary side lot or additional easements during the Association's electric design phase. The additional easements will be granted by separate IREA document by the applicant.

Sincerely

A handwritten signature in blue ink, appearing to read "Brooks Kaufman", is written over a light blue horizontal line.

Brooks Kaufman
Lands and Rights-of-Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION

5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



REFERRAL REQUEST

DATE: 5/5/2017 COMMENTS DUE BY: Fri, May 19, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat
PROJECT NUMBER: FP-16-0005
PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:

water and sewer must be approved by designated agencies. Any ponding of water must not cause complaints such as odors, mosquito production etc.

See the attached letter for detailed comments regarding this proposal.

Date:

May 8, 2017

Agency Name: Elbert County Dept of Health and Human Services

Your name (Please Print Clearly): Gary L. Hartzell

Signature:

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

ETHAN WATEL

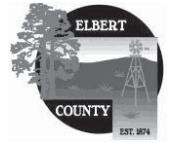
Project Planner



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICE DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



REFERRAL REQUEST

DATE: 5/5/2017 COMMENTS DUE BY: Fri, May 19, 2017

RE: PROJECT NAME: Independence Subdivision Filing 1 Final Plat

PROJECT NUMBER: FP-16-0005

PROJECT TYPE: Final Plat for 328 Dwelling Units

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:

See the attached letter for detailed comments regarding this proposal.

Date: 06/15/2017

Agency Name: Douglas County

Your name (Please Print Clearly): Curt Weitkunat

Signature: Curtis J Weitkunat

Digitally signed by Curtis J Weitkunat
DN: cn=Curtis J Weitkunat
Date: 2017.06.05 10:59:45 -06'00'

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,
ETHAN WATEL

Project Planner



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Region
6060 Broadway
Denver, CO 80216
P 303 291-7227 | F 303 291-7114

May 24, 2017

Elbert County Planning Department
PO Box 7
215 Comanche Street
Kiowa CO 80117

Attn: Kyle Fenner, Director Community and Development Services
Ethan Watel, AICP

Re: Independence Filing 1 Subdivision Final Plat; Elbert County Case No FP 16-005

To whom it may concern:

Thank you for the opportunity to comment on the Independence Filing 1. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the State. Our goal in providing responses to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

District Wildlife Manager Casey Westbrook is familiar with the proposed development site. The comments to follow pertain to the overall development as well as to Filing 1 itself and are in addition to previous comments provided to Elbert County dated September 27, 2007 (attached). Development of this property, as proposed, is infill development between existing subdivisions to the north and south. Currently the property provides habitat for pronghorn, mule deer, various raptors, prairie dogs, and other small game species.

It is expected that the development of this project will displace the pronghorn herd from this area. Pronghorn do not adapt well to development and increased human activity. Pronghorn may persist if sufficient acreages of continuous open space are left in their native condition and provide sufficient visual screening via topography from human activity. Anecdotally, the minimum sufficient acreage suggested by CPW would be 160 acres. This minimum acreage recommendation is based upon observation of pronghorn herds which are coexisting with developments in the areas near to this project. As proposed this project includes the designation of open space and creation of a metropolitan district to manage it. In planning aspects related to open space the nature of the specific open space areas (i.e. topography), and potential use of that open space (i.e. trail systems) should be considered alongside any desire to promote the continued use of the property by existing wildlife species such as pronghorn.

The presence of prairie dogs on the property increases the potential for the presence of burrowing owls. These raptors are listed as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the



killing of burrowing owls or disturbance of their nests. Therefore, if any earth moving will begin between March 15th and October 31st a burrowing owl survey should be performed. Guidelines for performing burrowing owl survey are included with this letter.

Care should also be taken to make sure no other raptor nests will be impacted during this project. Raptors are protected from take, harassment, and nest disruption at both the State and Federal levels. CPW recommends that buffer zones be implemented around any nest discovered within the project vicinity during any period of activity that may interfere with nesting season. Recommendations regarding suggested buffer zones and seasonal restrictions for Colorado raptors may be obtained by contacting CPW with this request. Following these recommendations will reduce the likelihood of unintentional take through disturbance of nests.

Current CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat. The emphasis of CPW's concerns is on large acreages, critical habitats, wildlife diversity and impacts to species of special concern. This project meets several of these criteria and so deserves special care in the planning process. It is important to note that incremental and cumulative loss of natural areas and open spaces will, over time, significantly degrade the overall quality of wildlife habitat in the area. Therefore our recommendations emphasize planning and implementing this proposal to minimize negative impacts and maximize potential enhancements to support living with wildlife in our community. If you have any further questions, please contact District Wildlife Manager Casey Westbrook at (303)810-3141.

Sincerely,

Liza Hunholz
Area Wildlife Manager

STATE OF COLORADO
Bill Ritter, Jr., Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
AN EQUAL OPPORTUNITY EMPLOYER
Mark B. Konishi, Acting Director
6060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192
wildlife.state.co.us

September 26, 2007

Richard Miller, Project Manager
Elbert County Planning Department
PO Box 7
215 Comanche St.
Kiowa, CO 80117

RE: Bandera Metro District and Bandera Water and Sanitation District! SR-07-0137 and SR-07-0138

Dear Mr. Miller:

Thank you for the opportunity to comment on the Bandera Metro, Water, and Sanitation Districts. The mission of the Colorado Division of Wildlife (CDOW) is to protect, preserve, enhance, and manage wildlife and their environment for the use, benefit and enjoyment of the people of Colorado and its visitors. One of the ways we achieve our mission is to comment on land use proposals such as the request we received from your agency. Our goal is to provide complete, consistent and timely information to all entities who request comment on matters within our statutory authority and our mission.

The Bandera Metro, Water, and Sanitation Districts property is located at Township 7 South, Range 65 West, Section 15 and North of Elbert County Road 158 and consists of approximately 985 acres. The majority of the site consists of old hay meadows and short grass prairie habitat surrounded by scattered development. We would expect a variety of wildlife to utilize this site on a regular basis including pronghorn, deer, a variety of small ground-dwelling mammals, ground-nesting birds, red fox, coyotes, and passerine birds at the proposed site. A herd of pronghorn that frequent the area of the proposed site and will eventually be displaced by the development.

The two main impacts to wildlife resulting from development of the Bandera Metro District are habitat loss and fragmentation of wildlife habitat. Habitat will be lost as this area is developed. Homes, parking lots, fences, and roads all fragment and reduce available wildlife habitat. Fragmentation of wildlife habitat has been shown to impede the movement of

wildlife across the landscape, and have a negative impact on wildlife. In addition to wildlife impacts caused from habitat loss and fragmentation, local wildlife will also be impacted by artificial lighting of the area at night and an increase in human disturbance.

With an increase of development in and around the Bandera Metro District it is important to note that there may also be an increase in certain wildlife activity. Open space, as well as developed areas, may become suitable habitat for certain species of wildlife. Coyotes, foxes, raccoons, cottontail rabbits and deer are several common wildlife species that adapt well to living with development. Coyote and fox sightings often occur within urbanized developments and although it is uncommon for people to be approached, in places where coyotes and foxes frequently see humans they often become less fearful.

CDOW recommends that the developer disclose the potential for the presence of coyotes to future residents at Bandera Metro District, and that they are informed that their smaller pets may become easy prey for coyotes and foxes. The best way to protect pets is to keep them in sight and under control at all times. When pets are allowed to run loose in open space areas, not only are they at risk themselves but may harass and pose a threat to native wildlife populations as well. When left unattended, it is recommended that small pets be placed in a covered kennel or taken inside. Split-rail fences (even when covered by mesh wire) and invisible fences **do not** protect pets from predators.

People can do their part by **not** inviting wildlife into their yards - pet food and bowls should be kept inside, trash should remain inside until pickup, or trash should be placed in a container with a tight seal.

For further information, the Division of Wildlife can provide copies of the following brochures: "Living with Wildlife in Coyote Country", "Don't Tempt Them with Junk Food", and "Too Close for Comfort: Avoid Conflicts with Wildlife in the City" to residents of the surrounding open space. These brochures can also be downloaded from our web site at http://wildlife.state.co.us/Education/CoExisting_with_wildlife/.

The CDOW recommends that consideration be made for using principles of an integrated weed management plan which Elbert County may already have in place. Invasive plants endanger the ecosystem by disturbing natural processes and jeopardize the survival of native plants and the wildlife that depend on them. The threat is so severe in the United States that scientists now agree that the spread of invasive species is one of the greatest risks to biodiversity (Nature Conservancy - 2003).

If you have further questions please contact District Wildlife Manager Timothy Woodward at (309) 291-7139.

DEPARTMENT OF NATURAL RESOURCES, Harris D. Sherman, Executive Director
WILDLIFE COMMISSION, Tom Burke, Chair. Claire O'Neal, Vice Chair. Robert Bray, Secretary
Members, Dennis Buechler. Brad Coors. Jeffrey Crawford. Tim Glenn. Roy McAnally. Richard Ray
Ex Officio Members, Harris Sherman and John Stulp

RECOMMENDED SURVEY PROTOCOL AND ACTIONS TO PROTECT NESTING BURROWING OWLS

Western Burrowing Owls (*Athene cunicularia hypugaea*) are commonly found in prairie dog towns throughout Colorado. Burrowing owls require prairie dog or other suitable burrows (e.g. badger) for nesting and roosting. Burrowing owls are migratory, breeding throughout the western United States, southern Canada, and northern Mexico and wintering in the southern United States and throughout Mexico.

Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests. It is quite possible to inadvertently kill burrowing owls during prairie dog poisoning projects, removal of prairie dogs, destruction of burrows and prairie dogs using a concussive device, or during earth moving for construction. Because burrowing owls often hide in burrows when alarmed, it is not practical to haze the birds away from prairie dog towns prior to prairie dog poisoning/removal, burrow destruction, or construction activity. Because of this, the Colorado Division of Wildlife recommends surveying prairie dog towns for burrowing owl presence before potentially harmful activities are initiated.

The following guidelines are intended as advice on how to determine if burrowing owls are present in a prairie dog town, and what to do if burrowing owls are detected. These guidelines do not guarantee that burrowing owls will be detected if they are present. However, adherence to these guidelines will greatly increase the likelihood of detection.

Seasonal Timing

Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting and fledging has been recorded and may be expected from late March through early August. Adults and young may remain at prairie dog towns until migrating to wintering grounds in late summer or early autumn.

Surveys should be conducted during times when burrowing owls may be present on prairie dog towns. Surveys should be conducted for any activities occurring between March 15th and October 31st. No burrowing owls are expected to be present between November 1st and March 14th.

Daily Timing

Burrowing owls are active throughout the day; however, peaks in activity in the morning and evening make these the best times for conducting surveys (Conway and Simon 2003). Surveys should be conducted in the early morning (1/2 hour before sunrise until 2 hours after sunrise) and early evening (2 hours before sunset until 1/2 hour after sunset).

Number and locations of survey points

Burrowing owls are most frequently located visually, thus, obtaining a clear view of the entire prairie dog town is necessary. For small prairie dog towns that can be adequately viewed in their entirety from a single location, only one survey point is necessary. The survey point should be selected to provide unobstructed views (with binoculars if necessary) of the entire prairie dog town

(burrow mounds and open areas between) and all nearby structures that may provide perches (e.g., fences, utility poles, etc.)

For prairie dog towns that can not be entirely viewed from a single location because of terrain or size, enough survey points should be established to provide unobstructed views of the entire prairie dog town and nearby structures that may provide perches. Survey locations should be separated by approximately 800 meters (1/2 mile), or as necessary to provide adequate visual coverage of the entire prairie dog town.

Number of surveys to conduct

Detection of burrowing owls can be highly variable and multiple visits to each site should be conducted to maximize the likelihood of detecting owls if they are present. At least three surveys should be conducted at each survey point. Surveys should be separated by approximately one week.

Conducting the survey

- **Weather Considerations** Because poor weather conditions may impact the ability to detect burrowing owls, surveys should only be conducted on days with little or no wind and no precipitation.
- **Passive surveys** Most burrowing owls are detected visually. At each survey location, the observer should *visually* scan the area to detect any owls that are present. Some burrowing owls may be detected by their call, so observers should also *listen* for burrowing owls while conducting the survey.

Burrowing owls are frequently detected soon after initiating a survey (Conway and Simon 2003). However, some burrowing owls may not be detected immediately because they are inconspicuous, are inside of burrows, or are not present on the site when the survey is initiated. We recommend that surveys be conducted for 10 minutes at each survey location.

- **Call-broadcast surveys** To increase the likelihood of detecting burrowing owls, if present, we recommend incorporating call-broadcast methods into burrowing owl surveys. Conway and Simon (2003) detected 22% more burrowing owls at point-count locations by broadcasting the primary male (*coo-coo*) and alarm (*quick-quick-quick*) calls during surveys. Although call-broadcast may increase the probability of detecting burrowing owls, most owls will still be detected visually.
-

We recommend the following 10-minute timeline for incorporating call-broadcast methods (Conway and Simon 2003, C. Conway pers. commun.). The observer should scan the area for burrowing owls during the entire survey period.

- o 3 minutes of silence
- o 30 seconds call-broadcast of primary call (*coo-coo*)
- o 30 seconds silence
- o 30 seconds call-broadcast of primary call (*coo-coo*)
- o 30 seconds silence
- o 30 seconds call-broadcast of alarm call (*quick-quick-quick*)
- o 30 seconds silence
- o 4 minutes of silence

Calls can be broadcast from a “boom box”, a portable CD or cassette player, or an mp3 player attached to amplified speakers. Calls should be broadcast loudly but without distortion.

Recordings of this survey sequence (compact disc or mp3 sent via email) are available free of charge by contacting:

David Klute
Bird Conservation Coordinator
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216
Phone: 303-291-7320
Email: David.Klute@state.co.us

Identification

Adult burrowing owls are small, approximately 9-11 inches. They are brown with white spotting and white barring on the chest. They have long legs in comparison to other owls and are frequently seen perching on prairie dog mounds or other suitable perches (e.g., fence posts, utility poles) near prairie dog towns. Juvenile burrowing owls are similar to adults but smaller, with a white/buff colored chest that lacks barring.

General information about burrowing owls is available from the Colorado Division of Wildlife website:

<http://wildlife.state.co.us/WildlifeSpecies/Profiles/Birds/BurrowingOwl.htm>

Additional identification tips and information are available from the U.S. Geological Survey Patuxent Wildlife Research Center website:

<http://www.mbr-pwrc.usgs.gov/id/framlst/i3780id.html>

What To Do If Burrowing Owls Are Present

If burrowing owls are confirmed to be present in a prairie dog town, there are two options before proceeding with planned activities:

1. Wait to initiate activities until after November 1st or until it can be confirmed that the owls have left the prairie dog town.
2. Carefully monitor the activities of the owls, noting and marking which burrows they are using. This is not easy to accomplish and will require considerable time, as the owls may use several burrows in a prairie dog town. When all active burrowing owl burrows have been located and marked, activity can proceed in areas greater than 150 feet from the burrows with little danger to the owls. Activity closer than 150 feet may endanger the owls.

Reference

Conway, C. J. and J. C. Simon. 2003. Comparison of detection probability associated with Burrowing Owl survey methods. *Journal of Wildlife Management* 67:501-511.

revised 02/2008

See also: "Controlling Prairie Dogs: Suggestions For Minimizing Risk To Non-Target Wildlife Species" Colorado Division of Wildlife 03/2007



April 17, 2017

Kyle Fenner
 Elbert County Community & Development Service Department
 Transmission via email: kyle.fenner@elbertcounty-co.gov

RE: Independence Development Preliminary Plat (formerly known as Bandera)
Project Number: PP-17-0006
Sections 14 and 15, T7S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Mr. Fenner:

We have reviewed the additional information submitted on April 6, 2017 by Mr. Jeff Keeley of Craft Companies, LLC concerning the above referenced proposal to subdivide 1012 acres into 920 single-family detached lots, 4 parks, a community center, a school site, a fire station site, and at least 430 acres (42.5 percent) left as open space. The project will be developed in phases. The Division of Water Resources (DWR) previously provided comments to this proposal by our letter dated February 21, 2017.

Water Supply Demand

A Water Supply Information Summary Sheet (“Summary Sheet”) was not included with the additional information provided. However, a Water Supply Plan Report (“Report”) dated December 14, 2016 prepared by Ms. Gina Burke of Jehn Water Consultants, Inc. was made available to this office. According to the Report the estimated potable water demands for the development are approximately 292.55 acre-feet/year and the non-potable demands are approximately 155.79 acre-feet/year. The potable water demand estimate is further broken down by uses as shows in Table 1 below:

Table 1-Estimated potable water demands for Independence Development at Full Build-Out

| Use | Average Daily Demand | Number of Units | Total Annual Demand (acre-feet) |
|-------------------------|----------------------|-----------------|---------------------------------|
| Residential | 0.3 acre-feet/year | 920 dwellings | 276 |
| Fire Station | 80 gpd/person* | One person | 0.09 |
| Fire Station Truck Wash | 360 gpd** | N/A | 0.06 |
| Schools | 20 gpd/student | 800 (students) | 13.50 |
| Central Parks | 10 gpd/person*** | 128.8 Persons | 1.44 |
| Homestead | 750 gpd**** | One | 0.84 |
| Pool***** | N/A | N/A | 0.61 |
| Total | | | 292.55 |

*Fire Station demand assumption based on one person for 24/7

**Truck Station Truck Wash assumption based on one pressure washer at 6 gpm, one hour per day, one day per week with no return flows

***Central Park assumed as 5 percent of the development at build-out

****Homestead demand based on assumed restroom year-round (8 fixture total)

*****Pool size estimated at 200,000 gallons



The non-potable water demand estimate is further broken down by uses as shows in Table 2 below:

Table 2-Estimated non-potable water demands for Independence Development at Full Build-Out

| Use | Average Daily Demand | Irrigated Area | Total Annual Demand (acre-feet) |
|--------------------------------|-------------------------|----------------------|---------------------------------|
| Residential | 0.15 acre-feet/dwelling | 2,000 sqft/dwelling* | 136.56 |
| Homestead | Not provided** | 0.70 acres | 0.59 |
| Community Garden | Not provided** | 0.12 acres | 0.10 |
| Entry/Median/Buffer/Open Space | Not provided** | 21.85 acres | 6.90 |
| Parks and Schools | Not provided** | 11.84 acres | 11.64 |
| Total | | | 155.79 |

*Based on previous information

**Irrigation estimates based on Bright View Design Group values (not provided). The estimated water requirements for the non-residential irrigated areas appear low and could not be reviewed since the supporting information was not provided.

Source of Water Supply

As indetified in our previous letter the proposed source of water is a central water system to be operated by the Independence Community Water and Sanitation District (“District”) currently being formed. The proposed source of water for the central system will be nontributary Denver and Arapahoe aquifer wells that will operate pursuant to the decree granted in case no. 2006CW59. Case no. 2006CW59 adjudicated the following amounts of water underlying the 1012 acre parcel that is the subject of this application:

| Aquifer | Annual amount available (100 yr. allocation approach) | Type |
|-------------------|---|------|
| Upper Dawson | 288.3* | NNT |
| Lower Dawson | 101.2 | NT |
| Denver | 473.1 | NT |
| Arapahoe | 421.5 | NT |
| Laramie-Fox Hills | 273.2 | NT |
| Total | 1557.3 | |

*Amount reduced by 1 acre-foot for an existing well permit no. 92652 and an additional 75 acre-feet per year for exempt wells (7.4 acre-feet per surface acre). Note that exempt Upper Dawson aquifer wells cannot be approved within the subdivision, even though water was excluded from the decree for such purpose.

Case no. 2006CW59 also decreed an augmentation plan for use of up to 75 acre-feet/year from the Upper Dawson aquifer through individual wells or one or more central wells. According to the decree in case no. 2006CW59, 75 acre-feet/year of the nontributary Laramie-Fox Hills aquifer water decreed in that case is reserved to be used in the augmentation plan for replacement of the post-pumping depletions from the proposed wells. Therefore the amount of water available from the Laramie-Fox Hills aquifer is reduced by 75 acre-feet to 198.2 acre-feet. In addition the remaining 213.3 acre-feet of not nontributary Upper Dawson aquifer will not be available until another augmentation plan is decreed by the water court.

The proposed sources of water for the subdivisions are 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. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed in 2006CW59 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *Elbert County 1041 Regulations*, adopted April 19, 1995 and subsequently amended, Rule 4-307(2)(a) states:

”(i)n order to assure a long term water supply, and given the concern with dependence on bedrock ground water, and the difficulty in supplying future surface sources outside the urbanized areas, the following additional criteria apply

- i) Total water supply for full project buildout has been demonstrated...
- ii) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year life will be applied.
- iii) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable source, then a 200 year life will be applied
- iv) If less than 25% of the water supply is a renewable source of water, then a 300 year life will be applied”

For this subdivision, less than 25 percent of the water supply is a renewable source of water. The State Engineer’s Office does not have evidence regarding the length of time for which this source will provide a water supply. However, treating Elbert County’s requirement as an allocation approach based on three hundred years, the allowed average annual amounts of withdrawal would be reduced to one third of those amounts as shown in the following table. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

| Aquifer | Annual Amount 100 year allocation approach (acre-feet) | Annual Amount 300 year allocation approach (acre-feet) |
|-------------------|--|--|
| Upper Dawson | 75.0* | 25.0 |
| Lower Dawson | 101.2 | 33.7 |
| Denver | 473.1 | 157.7 |
| Arapahoe | 421.5 | 140.5 |
| Laramie-Fox Hills | 198.2 | 66.1 |
| Total | 1269.0 | 423.0 |

*Water Available based on the current augmentation plan

For the proposed wells to be drilled into the Denver and Arapahoe aquifers 298.2 acre-feet (based on 300 year allocation approach) will be available for the proposed development. Based on the submitted information it appears that the water supply is adequate to meet the water requirements for the development, provided the irrigation needs is met only by the reusable effluent as proposed in the original submittal and is not supplemented by potable water supply.

As identified in the original submittal the irrigation water for the development will be provided by reclaimed wastewater effluent. This will require a dual system whereby water for in-building use is supplied separate from water for irrigation use. The effluent available for this development is estimated at 277.28 acre-feet/year, based on 5 percent consumptive use of the total indoor water use.

According to previous information a Water Resource and Recovery Facility (“WRRF”) is proposed to treat the effluent. The conceptual level master plan for the wastewater system includes 140 acre-feet of reuse irrigation storage within the development. The stored water will be used during the peak summer months to meet the irrigation demands. The Applicant should be aware that the amount of

water that will actually be available for irrigation use will depend on the amount of reuse water produced, the actual system losses and the design, construction and operation of the ponds and infrastructure.

In our previous letter we noted the existence of well permit nos. 84769-A, 122-A, 14514 and 92652 located on the 1012 acre property. The Applicant was required to clarify if the wells will be used within the subdivision or if the wells will be plugged and abandoned. According to the additional information provided the Applicant clarified that the existing wells will remain on the property and they will be re-permitted pursuant to the augmentation plan approved in case no. 2006CW59. If well permit nos. 84769-A, 122-A, 14514 and 92652 will continue to be used within the development, the wells will need to be re-permitted in accordance with Section 37-90-137(4) C.R.S. The application form (Form GWS-44) is available for download at: <http://water.state.co.us/DWRDocs/Forms/Pages/WellPermittingFormsByNumber.aspx>) and must be submitted to this office with the \$100 fee for each structure that is re-permitted.

Furthermore, the applicant should be aware that any proposed detention pond for this development, must meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, to be exempt from administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., the State Engineer’s office offers the opinion that with the District as the water supplier for the proposed development, the proposed potable water supply can be provided without causing material injury to existing water rights and the potable supply is expected to be adequate as long as prior to subdivision approval permit nos. 84769-A, 122-A, 14514 are re-permitted pursuant to the augmentation plan approved in case no. 2005CW59. Furthermore, the non-potable supply may be adequate if the irrigation water requirements are as estimated and the developer constructs and maintains the proposed storage ponds and irrigation delivery structures in order to utilize the return flows in the manner proposed in the water supply plan. Certain issues such as transit losses and the placement of storage, conveyance and diversion infrastructure must be addressed as part of the development of a dependable water supply for the subdivision.

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

Our opinion that the potable water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available to the District 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 District’s water commitments at build-out and the demands of the proposed subdivision.

Our opinion is qualified by the following:

For Denver Basin water decreed in case no. 2006CW59, the Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the decrees referenced in the District’s court cases, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years 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.

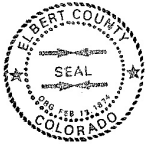
Should you have any questions, please contact Ioana Comaniciu of this office.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is written in a cursive style with a large initial "J".

Joanna Williams, P.E.
Water Resource Engineer

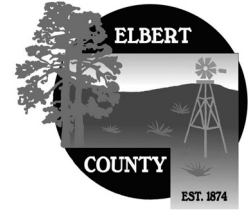
cc: Subdivision File-24008
Permit files 84769-A, 122-A, 14514 and 92652



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165



SECTION 4: Applicant's Re-submittal Cover Letters

April 27, 2017

Elbert County Planning Department
P.O. Box 7
215 Comanche Street
Kiowa, Colorado 80117

Attn: Kyle Fenner, Director of Community and Development Services
Ethan Watel, AICP (Project Planner)

Re: Applicant Response Letter re: Independence Filing 1 Subdivision Final Plat; Case No. FP-16-0005

To Whom It May Concern:

Craft Bandera Acquisition Company, LLC (“Applicant”) has previously submitted an application (the “Application”) for a subdivision Final Plat on a portion of the approximately 1,012-acre site known as Independence (f/k/a Bandera) (the “Property”). The Application proposes to plat 328 single family lots, tracts and public rights-of-way on the site in conformance with the approved Planned Unit Development zoning on the Property. The Property was rezoned under the Bandera West and Bandera East PUDs, approved in 2009 and signed and recorded in 2010 to accommodate the proposed development plan. A Preliminary Plat application for the entire Property is being processed concurrently.

Pursuant to your Application Comment Letter, dated March 17, 2017 (the “Comment Letter”), Elbert County Community & Development Services, along with all applicable and responding referral agencies, made comments to, and requested certain modifications of, the Application. By this communication, Applicant is hereby responding, in full, to all comments provided in the Comment Letter, all in the order in which they were presented therein.

Comments from Baseline Planning:

1. Please see revised Final Plat accompanying this letter for modifications. The Final Plat has been updated to include the entire property and all requested ROW will be dedicated thereby or by Special Warranty Deed.
2. All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.
3. Please see revised Public Improvement Construction Plans (Landscape Plan) accompanying this letter for modifications, along with a response letter prepared by BrightView Design Group. Specifically, the trail along CR 5 is now shown extending down to Hilltop Road.
4. The requested schedule has been prepared and is enclosed with this letter for reference. The Subdivision Improvement Agreement is currently being negotiated with Elbert County.

Comments from Baseline Engineering:

5. All redlines were addressed. Please see revised Final Drainage Report, GESC Report, GESC Plans, Public Improvement Construction Plans and Final Utility Report accompanying this letter for modifications. Responses to comments can be found in the PDF file.

Comments from Baseline Surveying:

6. Please see revised Final Plat accompanying this letter for modifications.
7. Please see revised Final Plat accompanying this letter for modifications.
8. Please see revised Final Plat accompanying this letter for modifications.
9. Please see revised Final Plat accompanying this letter for modifications.
10. Please see revised Final Plat accompanying this letter for modifications.
11. Please see revised Final Plat accompanying this letter for modifications.
12. Please see revised Final Plat accompanying this letter for modifications.
13. Please see revised Final Plat accompanying this letter for modifications.
14. All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.

Comments from Elbert County Assessor (Mapper):

15. Please see Road Name Exhibit accompanying this letter for all requested information.

Comments from Colorado Geological Survey:

16. Although these comments were advisory in nature, please see letter prepared by CTL Thompson Incorporated accompanying this letter regarding best practices for development in areas with slopes exceeding 20%. Applicant intends to follow these recommendations.

Comments from Elizabeth Fire Protection District:

17. Please see response letter to Elizabeth Fire Protection District accompanying this letter addressing each of the comments made in their letter of March 1, 2017.

Comments from Elizabeth School District:

18. No response is required.

Comments from Black Hills Energy:

19. No response is required.

Comments from Douglas County:

20. Please see email correspondence with Douglas County Address Specialist and 911 Data Specialist accompanying this letter and addressing their comments to the Application. Additionally, regarding the questions posed by Douglas County Planning, ROW will be dedicated along the entire western border of the Property. It is Applicant's intention to acquire the necessary ROW to construct

Delbert Road north of the future CR 5 to Singing Hills Road. Applicant acknowledges that much of said ROW is located in Douglas County.

Comments from Intermountain Rural Electric Association:

21. Please see revised Final Plat accompanying this letter for modifications to accommodate the requests of Intermountain Rural Electric Association.

Finally, please see revised Land Use Application accompanying this letter for modifications necessary to reflect The Johnson Group, Inc. as the owner of the minerals rights associated with the Property.

Applicant believes that all comments have been addressed and the Application is complete. Pursuant to Section IV(A) of the Elbert County Subdivision Regulations, Applicant desires to proceed to public hearings of the Elbert County Planning Commission and Board of County Commissioners regarding the Application. ***Please advise as to when you are available to schedule said public hearings.***

Please let me know should you have any questions or concerns regarding the contents of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Craft', with a long horizontal line extending to the right.

Tim Craft
Principal, Craft Bandera Acquisition Company, LLC

June 5, 2017

Elbert County Planning Department
P.O. Box 7
215 Comanche Street
Kiowa, Colorado 80117

Attn: Kyle Fenner, Director of Community and Development Services
Ethan Watel, AICP (Project Planner)

Re: Applicant Response Letter re: Independence Filing 1 Subdivision Final Plat; Case No. FP-16-0005

To Whom It May Concern:

Craft Bandera Acquisition Company, LLC (“Applicant”) has previously submitted, and resubmitted, an application (the “Application”) for a subdivision Final Plat on a portion of the approximately 1,012-acre site known as Independence (f/k/a Bandera) (the “Property”). The Application proposes to plat 328 single family lots, tracts and public rights-of-way on the site in conformance with the approved Planned Unit Development zoning on the Property. The Property was rezoned under the Bandera West and Bandera East PUDs, approved in 2009 and signed and recorded in 2010 to accommodate the proposed development plan. A Preliminary Plat application for the entire Property is being processed concurrently.

Pursuant to your Application Comment Letter, dated May 24, 2017 (the “Comment Letter”), Elbert County Community & Development Services, along with all applicable and responding referral agencies, made comments to, and requested certain modifications of, the Application. By this communication, Applicant is hereby responding, in full, to all comments provided in the Comment Letter, all in the order in which they were presented therein. *Where emphasis is added by the use of italics below, it is to reflect any modification to a particular response provided by Applicant in its response letter dated April 27, 2017.*

Comments from Baseline Planning:

1. *Comment resolved.*
2. All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.
3. Please see revised Public Improvement Construction Plans (Landscape Plan) accompanying this letter for modifications, along with a response letter prepared by BrightView Design Group.
4. *The Subdivision Improvement Agreement is currently being negotiated with Elbert County and is expected to be finalized prior to June 27, 2017, the date on which the Application is scheduled to be reviewed by Elbert County Planning Commission (the “PC Hearing Date”).*

Comments from Baseline Engineering:

5. *All redlines were addressed. Please see revised GESC Plans and Public Improvement Construction Plans accompanying this letter for modifications. Responses to comments can be found in the PDF file.*

Comments from Baseline Surveying:

6. *Comment resolved.*
7. *Comment resolved.*
8. *Comment resolved.*
9. *Comment resolved.*
10. *Comment resolved.*
11. *Comment resolved.*
12. Please see revised Final Plat accompanying this letter for modifications.
13. *Comment resolved.*
14. All redlines were addressed. Please see revised Final Plat accompanying this letter for modifications. Responses to comments can be found in the PDF file.

Comments from Elbert County Assessor (Mapper):

15. Please see Road Name Exhibit accompanying this letter reflecting all recommended modifications.

Comments from Colorado Geological Survey:

16. *Comment resolved.*

Comments from Elizabeth Fire Protection District:

17. Please see response letter to Elizabeth Fire Protection District accompanying this letter addressing each of the comments made in their letter of *May 24, 2017. Hydrants have been added near the Water Resource and Recovery Facility and the Irrigation Pump House.*

Comments from Elizabeth School District:

18. No response is required.

Comments from Black Hills Energy:

19. No response is required.

Comments from Douglas County:

20. *Comments noted.*

Comments from Intermountain Rural Electric Association:

21. *Comments noted. The easement along Hilltop Road will be dedicated with the Filing 1 Final Plat. The remaining easements for Hancock Way and Delbert Road will be dedicated in future filings.*

New Comments from Elbert County (Baseline):

22. *As requested, a Trail Easement across Tract D has been prepared and accompanies this letter.*
23. *Tract N will be owned by the Independence Overlay Metropolitan District. Please see revised Final Plat accompanying this letter for modifications.*

New Comments from Colorado Parks and Wildlife:

Comments notes. No response is required.

Although all documents contained within the Application are being submitted with this letter, the following is a list of documents contained with the Application that were changed from resubmittal of the Application made by Applicant on or around April 27, 2017:

Final Plat
Public Improvement Construction Plans
GESC Plans
GESC Report
Final Drainage Report
Public Improvement Construction Plans (Landscape Plan)
Road Access Permit Letter

Applicant believes that all comments have been addressed and the Application is complete. Pursuant to Section IV(A) of the Elbert County Subdivision Regulations, Applicant desires to proceed to public hearings of the Elbert County Planning Commission and Board of County Commissioners regarding the Application, which hearings have been scheduled for June 27, 2017 and August 9, 2017, respectively.

Please let me know should you have any questions or concerns regarding the contents of this letter.

Sincerely,



Tim Craft
Principal, Craft Bandera Acquisition Company, LLC