

Attachment E

STATE OF COLORADO

Traffic & Safety

Region 1
2829 W. Howard Place
Denver, Colorado 80204



COLORADO
Department of Transportation

Project Name: **Pine Canyon PD - Douglas County**

Print Date:

4/12/2023

Highway:

I-25

Mile Marker:

Drainage Comments:

The drainage report is missing critical data about the proposed detention and outlet structures

the report needs to mention any impact to I25 as a result of the developmen both sides

taking a closer look at the existing hydraulic features underneath I25

I am avialble for a field visit if needed 3039819204

Samer 8-30-2021

[The Phase 1 Drainage Report has been updated since this comment and addresses all proposed detention and outlet structures. It also details how drainage will traverse under I-25 through the existing culvert system which is already used for drainage on the property.](#)

Environmental Comments:

Some of this is in CDOT MS4 area

CDOT ROW stormwater runoff should not be treated by the development WQ facilities.

Existing WQ facilities that treat CDOT SW runoff cannot be impacted negatively. Documentation will be required.

[The Applicant is very familiar with MS4 requirements. Existing WQ facilities will remain and will not be impacted negatively. The Applicant will happily comply with all required documentation.](#)

Landscaping of CDOT ROW needs to be native species.

[ROW landscaping will be subject to the same requirements as all landscaping in the project and will be required to used only species listed in the Pine Canyon Master Plant List – all of which are native species.](#)

The Permittee shall complete a stormwater management plan (SWMP) which must be prepared with good engineering, hydrologic, and pollution control practices and include at a minimum the following components: qualified stormwater manager; spill prevention and response plan; materials handling; potential sources of pollution; implementation of control measures; site description; and site map.

In addition, the Permittee shall comply with all local/state/federal regulations and obtain all necessary permits. Permittee shall comply with CDOT's MS4 Permit. When working within a local MS4 jurisdictional boundary, the permittee shall obtain concurrence from the local MS4 that the local MS4 will provide construction stormwater oversight. The local MS4 concurrence documentation shall be retained with the SWMP.

[All necessary permits shall be obtained and regulations followed as required by both CDOT and Douglas County's MS4 regimes. The Applicant has addressed stormwater and stormwater management in both the Phase 1 Drainage Report and the Development Rezoning & Water Appeal Plan, and will buttress these documents with additional](#)

[permits, standards, and requirements as processes continue.](#)

Traffic Comments:

Scherner 10-15-20

The traffic assignment for the site assigns 35% of the total site traffic to/from I-25 north. This seems too low since the current demand for the Town as a whole is approximately 70% to/from I-25 north. Using the Douglas County TMP model is more appropriate for this scale of development and needs to be used for this TIS.

What type of roadway connects to Front street from Zone 2?

[This comment was addressed in earlier correspondences with CDOT as documented in the Applicant's submittal package.](#)

The traffic assignments to Front St (2025) and both Front St and Woodlands Blvd (2040) seem to be significantly under assigned for Zone 2.

Why are there no WB traffic volumes assigned at the intersection of Black Feather/Woodlands Blvd? Wouldn't the 2040 TMP model have existing volumes and some estimate based on future development?

When is the Woodlands Blvd connection to the site going to occur and who is responsible this connection?

The site generated volumes seem likely warrant separate EB right turn lanes on Founders Pkwy at both Front St and eventually Woodlands Blvd.

The Pine Canyon connections to Founders Pkwy at both Crimson Sky Dr and Rising Sun Dr will require separate WB through lanes at the existing approaches. These lanes cannot be shared through/right lanes as one through vehicle would block right turning traffic (removes the free right needed in the AM peak) and diminishes the function of the right turn accel lanes at those locations.

I'd like to request a meeting to go over our concerns.

[These comments were also addressed in earlier correspondences with both CDOT and Douglas County Engineering Staff. Multiple meetings were held between all the appropriate parties to address these comments. The current TIS has been updated to reflect the resolutions to these comments.](#)

Scherner 8-31-21

I largely agree with the findings and recommendations of the revised TIS. However, the recommendations of the intersections at Crimson Sky and Rising Sun needs to include improvements to the east legs of the intersection. East leg lane improvements will require dedicated left and through and right lanes. Neither shared left/through nor right/through lanes on the east leg will be allowed. Subsequently, split phasing of these intersections will also not be allowed.

[These comments were also addressed in earlier correspondences with both CDOT and Douglas County Engineering Staff. Multiple meetings were held between all the appropriate parties to address these comments. The current TIS has been updated to reflect the resolutions to these comments.](#)

Right of Way Comments:

Secondary Reviewer Comments - 2020-10-06 - SDH - I have uploaded the relevant ROW plans for I-25 (IM 0252-351) and SH-86 (STA 086A-047). I have also uploaded the Rule & Order documents that established Access Control along the west side of I-25. The Town of Castle Rock is shown as owner of Liggett Rd according to the Douglas County Assessor's website. CWY 10-19-20 - Additional ROW for state highway facilities (if necessary) should be conveyed via deed vs. dedication to the county.

2021-08-20 - SDH - The same ROW comments apply as previously provided. The ROW of SH-86 (Founders Pkwy.) is variable in this area, but generally 110 feet (55' each side of centerline). See ROW plans from PC 16275 for existing ROW conditions at Crimson Sky Dr. (PDF Page 25) & Rising Sun Dr. (PDF Pages 27,28). It appears that additional ROW dedications will be needed at those locations for the new west side roadway legs based on the current ROW alignments on the east side of those SH-86 intersections.

ROW comments have been considered and the PD has been updated to reflect these comments. Statements within the PD reflect the Applicant's commitment to dedicate all required ROW to the appropriate government agency.

8/20/2021 - MJO - In regards to the parcels being Dedicated to the city for Roadway, these parcels should be Dedicated in the Plat to the City - the city can then later on when needed Deed the parcels to CDOT. If the parcels are Dedicated to CDOT in the Plat, then Deeds from the Landowner and the City to CDOT need to be recorded along with the Plat.

MJO - 3/27/2023 - Please disregard my comments from 8/20/2021 the process have been revised.

See Section (E) Right-of-Way a. Owner will dedicate or cause to dedicate public rightsof-way (ROW) to the County, Town or CDOT at no cost to the County, Town or CDOT for public roadways. - Please Note - Land cannot Be Dedicated to CDOT - CDOT needs to be removed from this statement. The land can be dedicated in the Development Plan or Plat to the Town but it Cannot be Dedicated to CDOT. If dedicated to the town, then the town can subsequently deed to CDOT as a Donation.

Acknowledged. When ROW dedications do occur, the Applicant will follow proper procedure to ensure all dedications are completed correctly.

How is the land for the mobility hub being conveyed - is it going to be deeded to CDOT prior to the plat, is it going to be a dedicated tract or something similar to be dedicated to Castle Rock then Deeded to CDOT. Is this going to be a project and is the acquisition part of the project or part of this permit and Platting process?

PA 17 and PA 18 are Anticipated to include approximately 500,000 square feet of Office Park or Commercial Use Square footage between PA-17 & PA-18. - If PA 17 is Proposed Mobility Hub, should not this use be stated, and the 500K of office Park and commercial use be shifted to Parcel 18?

Should PA 17 be considered Right of Way and included in line item 5 along with the other ROW in the project?

SDH - 4/4/23 - See comments from MJO dated 3/27/23.

The Applicant and CDOT have discussed multiple options for land conveyance for the Mobility Hub. Because of the planning nature of the PD, both parties have agreed that at this time it is best not to state the selection of one particular option in the PD, because it could change in the future. PA-17 and PA-18 are both Mixed Use planning areas, PA-17 includes more than just the Mobility Hub use. In order to maximize TOD efficiency and create the best community to live, work, and play in, the planning areas are meant to reflect that mixture of uses. If CDOT decides that they want the Mobility Hub itself to be declared ROW, the Applicant will follow proper dedication procedure upon agreement of terms.

Resident Engineer Comments:

04/07/2023 JB - This PD shows the mobility hub located within PA-17, but the location of the hub is still being determined. See Chuck Attardo's comments dated 4/5/23.

Correct. This PD reflects the two studies which have identified this as the site for the medium and long term Mobility Hub solution. While an additional study is currently wrapping up regarding the possibility of an interim location, the PD needs to reflect the long-term vision for the project.

- There is an underpass shown under I-25 in this PD. This will be looked at closer once plans are developed and reviewed by CDOT.

Correct. The underpass will be undertaken in close partnership with all necessary CDOT departments.

- See comments from 23Oct2020:ryj regarding possible improvements along SH-86 (Founders Parkway). It would also be good to show the names of the streets (Crimson Sky and Rising Sky) on the development plan to give better context of where the future connections are at Founders Parkway.

23Oct2020: ryj A friendly reminder regarding connections to state highways in general and to SH-86/Founders Pkwy in particular, improvements required to upgrade the state highway system to accommodate the development including the improvements identified in the TIS are the responsibility of the development and should be adaptable (with minimal throwaway) to future widening of SH-86/Founders Pkwy to 6 lanes (i.e., 3 lanes in each direction).

Both of these sets of comments have been addressed in previous correspondences with CDOT, which are included in the Applicant's submittal. The TIS and PD documents have been updated since these comments to reflect their resolutions.

Permits Comments:

10-20-2020 Access to the state highway will require an access permit and must be built in conformance with the state highway access code. In addition, in areas where this development does not directly access the state highway, but the cumulative traffic will impact an access with the state highway, new access permits will be required anywhere the traffic will increase by 20% and/or where improvements are to be made to the intersection.

Any signing for this development that is visible to either the State Highway or Interstate 25 must be on-premise and cannot be either partly or wholly in the State Highway Right-of-Way, and must comply with any applicable rules governing outdoor advertising in Colorado per the State rules **2 CCR 601-3**.

--Steve Loeffler, 10-20-2020

4-4-2023 Previous comments still apply. In addition, access to State Highway 86 shall be per the state highway access code and in accordance with the Highway 86 Access Control Plan.

Please also confirm if CDOT has any Right-of-Way on Liggett Road.

--Steve Loeffler, 4-4-2023

These comments are acknowledged. All appropriate Access Permits will be obtained and improvements will be built to conform with state access codes. All signage will be located outside of CDOT ROW and will comply with all outdoor advertising rules. CDOT does own significant ROW on Liggett Road.

Other Comments:

The following remarks are only relevant to the revised TIS provided, as no site plan or plat was included for our

review. We have examined the TIS in the context of the Access Control Plan for SH 86.

In the short term, new a new signal will likely be warranted at Crimson Sky & Founders. In addition to the Access permit, a new signal is by a separate utility permit accompanied by a signal warrant study.

The new connection proposed at Rising Sun will also require an access permit, and a utility permit to add/modify the existing signal at this current 3-way intersection.

There are a number of longer term (2040) off-site recommendations within the TIS that responsibly accounts for traffic generated from this development. We recommend that appropriate pro-rata share escrows be established to help fund and construct those (off-site) public improvements identified including signal modifications as and when warranted.

There have been a number of questions and concerns previously discussed regarding a future transit hub on I-25 that remains undefined at this time. Anticipate additional traffic remarks as plans evolve, traffic estimates generated, and more detail is provided showing how local access will be provided to this yet-to-be defined site and concept plan.

RS 08-31-21

[These comments were all addressed and incorporated into updates to both the TIS and PD. Correspondences with CDOT and Douglas County Engineering Staff regarding these comments are included in the submittal package.](#)

~~Traffic from this proposal needs to be mitigated. There are numerous off-site impacts and logistical matters to work out if such RoW is annexed to the Town / not necessarily under County control.~~

~~TIS appears to be using outdated (background) data – especially along SH 86. It needs to be redone with oversights omissions corrected.~~

~~A stronger, more direct and optimal E-W roadway connection through Pine Canyon continues to be requested for shorter trips, better access and connectivity. This connection can reduce the impacts on SH 86 projected to the north. Rising Sun is the preferred (stronger) E-W connection for multiple reasons.~~

~~SH 86 frontage may need RoW dedication to match the Corridor Optimization Plan~~

~~Noise sensitive uses proposed within (TOD) PA 17 & 18 – which may about I-25 need either a greater setback or appropriate buffer.~~

~~The PD should provide more information about the transit hub. What is the strategy – timing – warrant for a new E-W underpass of I-25? If CDOT is to be a financial partner, the land area should be dedicated to CDOT.~~

~~See memo with these issues more fully explained~~

RS 10-15-2020

The Pine Canyon Development includes a new Transit Mobility Hub. The Mobility Hub's conceptual design and location on the Pine Canyon site were first developed as part of the I-25 South PEL (2019). After completion of the PEL, CDOT's Division of Transit and Rail continued to tweak the design with input from the Pine Canyon Developers and Douglas County. The latest design includes 2 surface parking lots, 4 bus only slip ramps, a new I-25 bridge, pedestrian loading areas, and a pedestrian plaza. The land for the

Mobility Hub would likely be dedicated to DTR by the developers. We have not held any public meetings since the PEL in 2019. The current design would require a Categorical Exclusion and approval from FHWA. Construction would begin March 2022.

C. Attardo 10-19-2020

CDOT, Douglas County, and the Town of Castle Rock are currently conducting a new Castle Rock Mobility Hub Location Study. The Study is considering 5 locations. The Walker Pine Canyon proposed development is one of the 5 sites being in this new Study considered. The Study will be completed by Aug 2023. Once a location is selected, CDOT will start final design of the Mobility Hub. Construction would begin as early as 2025. \$13M is currently programmed for Design and Construction.

[C.Attardo 4/5/23](#)

CDOT's Express Lanes Residency supports the construction of the Mobility Hub. The mobility hub will provide substantial regional transportation benefits by allowing CDOT to add needed transit service from Castle Rock to Denver and Castle Rock to Colorado Springs. The mobility hub will improve rideshare opportunities, provide a connection point for planned local transit operations, and allow for a convenient connection to Front Range Passenger Rail. Opening day ridership projections show that the mobility hub would service just over 22,000 trips per year. I-25 would immediately experience a significant reduction in Vehicle Miles Traveled and a reduction in air emissions from transportation sources.

CDOT's Division and Transit and Rail and Express Lanes Residency have been in direct communication with the Pine Canyon Developers. It is CDOT's understanding that the developer will dedicate lands needed for the mobility hub and future US 85 to I-25 direct connects that were recommended as part of the I-25 South PEL (2019).

Lastly, this mobility hub is consistent with CDOT, Douglas County, and Castle Rock land use and transportation plans. The mobility hub was recommended as part of:

- CDOT Division of Transit and Rail, Intercity and Regional Bus Network Plan 2008 (revised 2014)
- CDOT Region 1, I-25 South Planning and Environmental Linkages Study 2019
- Douglas County, Douglas County Transportation Master Plan 2019

And

Town of Castle Rock 2030 Comprehensive Master Plan 2017

- p. 44: Identify and construct Park-n-Ride locations in cooperation with the regional development of transit facilities.
- p. 58: Encourage and locate workforce and senior housing opportunities and other uses where they may be readily served by future transit
- p. 60: Develop and implement an I-25 Corridor Plan to encourage mixed use development with employment- and retail-based development adjacent to the corridor
- p. 60: Encourage the development of mixed use transit-oriented development including promotion of workforce and senior housing options and other mixed use development that will conveniently serve transit facilities
- p. 75: Future Land Use Plan (map) shows Pine Canyon as mixed use about 1/3rd mile to either side of I-25, then residential, open space, and school further east of I-25

And

The Town of Castle Rock Transportation Plan 2017

- Table i Roadway Improvement Projects: Identifies improvements to Liggett, Front St and Woodlands Blvd that are needed as part of the Pine Canyon Development. These local roadway improvements will also benefit the

[The Applicant acknowledges and appreciates these comments. The Applicant has been, and will continue to work closely with CDOT and the County on this Mobility Hub and the all of the transportation network around Pine Canyon](#)

Pine Canyon Planned Development Rezoning & Water Appeal

Project File: ZR2020-010 & MI2020-009

Board of County Commissioners Staff Report Attachment E - Page 7 of 137



Pine Canyon 2nd Request for External Referral Comments

TO: Matt Jakubowski, AICP, Douglas County Chief Planner
Mike Pesicka, Douglas County Principal Planner

FROM: Sandy Vossler, Senior Planner, Development Services
Tara Vargish, Development Services Director

DATE: April 12, 2023

SUBJECT: Pine Canyon Planned Development
Response to Douglas County 2nd Request for External Referral Comments

Thank you for the opportunity to review the proposed Pine Canyon Planned Development (PD). This memo is arranged by topic and summarizes the Town of Castle Rock comments and requested revisions that are further delineated on the attached Pine Canyon PD – TOCR 2nd Ext Ref Comments.

Overall, the Town does not support urban development in an area of unincorporated Douglas County that is, for all intent and purposes, entirely surrounded by the Town. Town staff does support annexation of this property into the Town to ensure compatibility and compliance with the Town's goals and regulations. Each section below goes into more detail on our comments. [The Applicant is disappointed with Town Staff's entrenched "hard no" opposition.](#)

[Douglas County has approved many rezonings of "urban development" \(as defined in Colorado statute and the County's Comprehensive Master Plan\) in unincorporated Douglas County which have been in close proximity to municipal areas. These include Stonegate, Silver Heights, and Castleton areas. The Applicant's PD includes multiple commitments specifically designed to meet or exceed Town goals and regulations including Town roadway, irrigation, water usage, and other standards. All of these commitments will benefit the Town and the greater region.](#)

1. Connection to Town of Castle Rock Right of Way, Trails, etc.

The Town of Castle Rock will not allow connection to Town-owned property including, but not limited to roadways, ROW, trails, etc. The Town will also not allow any construction of improvements or utilities to pass under or above Town owned land, including Liggett Road and Front Street. Please delete all points of connection to Town of Castle Rock roadways, right-of-way (ROW), trails, etc. shown on the current version of the PD Plan.

The Applicant is disappointed with the Town's position. Beyond the uncooperative nature of the blanket refusal, the position is also without legal merit.

Colorado law prohibits a municipality from denying reasonable access to public streets and trail systems. The General Assembly has codified protections of this fundamental common law property right.

C.R.S. § 31-12-105 1.(i) states: "Notwithstanding the provisions of paragraph (f) of this subsection (1), **a municipality shall not deny reasonable access to landowners**, owner of an easement, or the owner of a franchise **adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality**" (emphasis added).

The proposed access points in the Applicant's PD are reasonable. These same connections are contained in multiple Town planning documents including the Town's Master Plan, Comprehensive Traffic plan, Parks and Trails plan, and more.

The Applicant has proposed substantial transportation and trail improvements, and objective, calculated impact mitigation fees for all planned roadway connections. The Applicant looks forward to working with the Town and the County to ensure that the project implements the excellent transportation solutions and trail amenities for the benefit of the entire region.

2. Easements and Construction

Please delete all locations of anticipated easements, including but not limited to, access easements, utility easements, drainage easements, etc. that are proposed on Town-owned property, including but not limited to roadways, ROW, and parcels. The Town of Castle Rock will not grant easements or allow construction of improvements over, under, on or through any Town-owned ROW or property.

The Applicant is disappointed by the Town's attempted denial of the Applicant's property rights. Beyond the uncooperative character of the request, it is also without any merit.

The Applicant's PD does not include the locations of any anticipated easements "over, under, on or through any Town-owned ROW or property", so there are no locations to delete. Perhaps this comment is just meant simply as another vehicle by which the Town is attempting to deny any legally-protected access by the Applicant, its successors or assigns.

As previously stated, Colorado statute specifically protects landowners from an unreasonable blanket denial of reasonable access. C.R.S. § 31-12-105 1.(i) states: "Notwithstanding the provisions of paragraph (f) of this subsection (1), **a municipality shall not deny reasonable access to landowners**, owner of an easement, or the owner of a franchise **adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality**" (emphasis added). Additionally, Town Staff's request to remove these connections runs contrary to multiple Town planning documents including the Town's Master Plan, Comprehensive Traffic plan, Parks and Trails plan, and more. The Applicant has proposed substantial transportation and trail improvements, and objective, calculated impact mitigation fees for all planned roadway connections. The Applicant looks forward to working with the Town and the County to ensure that the project preserves property rights and implements excellent transportation solutions and trail amenities for the benefit of the entire region.

3. Off-site Roadway Improvements

(Sheet 5 of 15) Section 2.4.C.a: Delete list of off-site roadway improvements and revise note as follows: Owner, or one or more Title 32 Metro Districts, its successors and assigns shall at their expense, design and construct off-site transportation improvements as required and approved by the Town of Castle Rock through the Matters of State Interest application and permitting process. Provision of a proportionate share of improvements in-lieu of design and/or construction of off-site transportation improvements shall be at the sole discretion of the Town of Castle Rock. Offsite impacts for CDOT owned roadways shall be approved by CDOT.

Town Staff's position is unsupportable. As detailed in the attached letter from Otten Johnson, C.R.S. § 24-65.1-101, et seq., Areas and Activities of State Interest, does not grant the Town the power to designate activities as matters of state interest or to require permits for any activities outside of its own jurisdictional boundaries. The Colorado Statutes are clear.

As the Otten Johnson letter states: "Under Section 401 of the Act, a local government may designate matters of state interest, but only 'within its jurisdiction.'" Contrary to Town Staff's assertions, the Town has no legal authority to regulate such matters in the County outside of Town boundaries.

"Further, Section 501 of the Act allows only "the local government in which such development or activity is to take place" to require a matters of state interest permit. The Application proposes development within the County, and therefore, the Town has no authority to impose any 1041 regulations or require a matters of state interest permit as part of the Application." The Applicant has proposed substantial transportation improvements, and objective, calculated impact mitigation fees for all planned roadway connections. The Applicant looks forward to working with the Town and the County to assist in providing solutions to the existing regional transportation network.

4. Water and Sewer Service and Facilities

(Sheet 5 of 15) Section 3.d: Please insert new note "d." as follows: Per Title 21 of the Castle Rock Municipal Code, the Town of Castle Rock has jurisdiction over the site selection, construction or expansion of domestic water and sewage treatment systems located wholly or partially within the Town's Watershed Protection District as depicted on the Town Watershed Protection District map. The domestic water and sewage treatment systems described in the proposed Pine Canyon PD are located within the boundaries of the Watershed Protection District. Accordingly, the Owner must apply for and be issued a Matters of State Interest Permit by the Town of Castle Rock as a prerequisite to the site selection and construction of all domestic water and sewage treatment systems described in the proposed Pine Canyon PD.

The Applicant has received CDPHE site location approval of its proposed wastewater facility. CDPHE, not the Town, is the legal governing authority regarding these issues. Castle Rock Water and the Town itself have chosen to accept the Applicant's CDPHE approvals.

The Town has no legal authority for the position asserted under this subheading.

1041 powers are limited in scope. C.R.S. § 24-65.1-101, et seq., Areas and Activities of State Interest, very clearly does not grant the Town the power to designate activities as matters of state interest or to require permits for any activities outside of its own jurisdictional boundaries. The

Town is not now, and never has been, the Applicant's governing land use authority.

As the Otten Johnson letter states: "Under Section 401 of the Act, a local government may designate matters of state interest, but only "within its jurisdiction." This does not provide the Town with authority to regulate such matters in the County. Further, Section 501 of the Act allows only "the local government in which such development or activity is to take place" to require a matters of state interest permit. The Application proposes development within the County. The Town has no authority to impose any 1041 regulations or require a matters of state interest permit." 1041 powers are not to be asserted outside of a local jurisdictional boundary. If Town Staff's position were to be upheld, multiple jurisdictions could require 1041 permits for any projects outside of their own boundaries.

5. Matters of State Interest

The Owner needs to apply to the Town of Castle Rock for a Matters of State Interest permit.

Please add the following to the General Provisions (Sheet 6 of 15).

5. Relationship to Matters of State Interest:
 - a. The Town of Castle Rock has adopted Guidelines and Regulations for Matters of State Interest (Ord. No. 2021-028), pursuant to the authority granted to municipalities by C.R.S. § 31-15-707(1)(b), Municipal Utilities; C.R.S. § 29-20-101, et seq., Local Government Land Use Control Enabling Act; C.R.S. § 24-65.1-101, et seq., Areas and Activities of State Interest; Colorado Constitution Art. XX, Home Rule Cities and Towns; and other such similar authority that may be granted by the Colorado General Assembly.
 - b. The Town's jurisdiction applies to the following matters of state interest that are located wholly or partially within the municipal boundaries:
 - i. Construction of arterial highways and interchanges and collectors.
 - ii. Areas around interchanges involving arterial highways in which development may have a material effect upon the arterial highway or the surrounding community.
 - c. The Town's jurisdiction extends to site selection, construction or expansion of domestic water and sewage treatment systems located wholly or partially within the Town's Watershed Protection District as depicted on the Town Watershed Protection District map.
 - d. A permit approved and issued by the Town of Castle Rock is required for the following:
 - i. Development located wholly or partially within an area around interchanges involving arterial highways as designated on the Areas Around Interchanges map; provided that the average daily trip generation of such development is expected to equal or exceed two hundred (200) vehicles per day.
 - ii. Site selection of arterial highways and interchanges and collector highways located wholly or partially within the municipal boundaries.
 - iii. Site selection and construction or extension of domestic water and sewage treatment systems located wholly or partially within the Watershed Protection District as designated on the Watershed Protection District map.

Town Staff's position is unsupportable. The Town of Castle Rock has no legal authority outside of Town boundaries. The Town's position violates the clear Colorado provisions contained in the 1041 enabling statute.

As detailed in the attached letter from Otten Johnson, C.R.S. § 24-65.1-101, et seq., Areas and Activities of State Interest; very clearly does not grant the Town the power to designate activities as matters of state interest or to require permits for any activities outside of its own jurisdictional boundaries. As the Otten Johnson letter states: "Under Section 401 of the Act, a local government may designate matters of state interest, but only "within its jurisdiction." This does not provide the Town with authority to regulate such matters in the County. Further, Section 501 of the Act allows only "the local government in which such development or activity is to take place" to require a matters of state interest permit. The Application proposes development within the County. The Town has no legal authority to impose any 1041 regulations or require a matters of state interest permit.

6. Traffic Impact Study

Please remove all road connections to Town owned roadways and resubmit a TIS that reflects how this development's traffic will be distributed and how it will effect Founder's Parkway.

The Applicant is disappointed with the Town's response and attempted denial of the Applicant's property rights, including the right to reasonable access to the public street system. The Applicant's property rights are protected by Article V of the United States Constitution.

Federal statutes including 42 U.S.C. § 1983 allow injured parties the statutory right to protect its property rights in federal court (See *also*, 42 U.S.C., § 1988 providing attorney fee awards in Section 1983 cases).

Beyond the uncooperative and hostile nature of the Town Staff's response, the misguided position lacks legal merit. Colorado statutes specifically protect landowners against a blanket denial of reasonable access as posited by the Town. C.R.S. § 31-12-105 1.(i) states: "Notwithstanding the provisions of paragraph (f) of this subsection (1), ***a municipality shall not deny reasonable access to landowners***, owner of an easement, or the owner of a franchise ***adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality***" (emphasis added). The Town's planning documents including the Town's Master Plan, Comprehensive Traffic plan, Parks and Trails plan, and more support the Applicant's proposed roadway connections. The Applicant looks forward to working with the Town (if at all possible) and the County to ensure that the project assists in bringing excellent transportation solutions for the benefit of the Town and the entire region.

May 19, 2023

James Walker
JRW Family Limited Partnership, LLLP.
5975 E. Jamison Place
Centennial, CO 80172

**RE: ZR2020-010 - Pine Canyon Planned Development
Planning Services Post Referral Review Letter (2nd Referral)**

Dear Mr. Walker:

The 21-day referral period for the 2nd Referral of the Pine Canyon Planned Development (PCPD) is concluded. Attached to this letter is a referral comments response report and staff redlines on the development plan. While the referral response report includes either verbatim referral responses, or a summary of all comments received, due to file size, staff has not attached separate referral letters received from referral agencies.

These and all project documents are located on the Douglas County website within the Project Records Online file for Pine Canyon. These can be accessed via the following link: <https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=RezoningJob&PosseObjectId=68578571>. All referral response letters are identified in the project file as "2nd Referral Response _____," and can be sorted by the description heading.

Please respond to all referral comments in writing. Direct communication between the applicant and referral agencies may be required for resolution of issues, and it is up to the applicant to contact individual referral agencies for clarification of referral comments.

After staff evaluation of the application during the referral period, clarification of the following items is needed:

1. Additional clarification regarding the applicant's proposal for water and wastewater is needed. Concerns from staff remain regarding the feasibility and management of reduced water demand within the Water Efficiency Plan (WEP), the water reuse plan, and the wastewater treatment plan.

To achieve the reduced water demand proposed for Pine Canyon, enforcement will be critical. Sufficient landscaping controls for residential and nonresidential customers to support a reduced water demand have not been demonstrated. For example, options could be requiring synthetic turf in parks, commercial xeriscaping, no high water demand vegetation in the PD.

The Applicant has added language regarding enforcement, monitoring, and control of all water usage, demand standards, limitations, and restrictions. The Pine Canyon Water and Sanitation District, its successors or assigns, will have control over all recycled water irrigation and water usage. Partnerships with multiple expert firms using smart water monitoring technologies will ensure real-time monitoring and operational efficiency (letters from Flume Water and Brightview Irrigation are included in this resubmittal package). A master Pine Canyon Plant List has been developed to complement the Water Efficiency Plan and Land Application Management Plan restrictions as an additional binding document to assure that proper landscaping and maintenance occurs to achieve planned water demand reductions.

2. An option for branded single-family residences is proposed in Planning Area-6 (PA-6). The applicant has indicated that branded residences shall not cause the overall units in the PCPD to exceed 1,800 units. Additional commitments or statements in the PD specifying this or allowing for transfer of units between PAs is needed. Additional discussion of how cash-in-lieu fees would be addressed for branded residences in PA-6 is needed.

The Applicant has added additional clarifying language to the PD stating that the maximum allowed residential unit count will not exceed 1,800 units, and has reinstated language regarding unit transfers back into the PD.

3. Although the applicant provided a section within the PCPD commitments for a mobility hub, the commitments reference separate Colorado Department of Transportation (CDOT) programs, and dedications or commitments are not defined. The applicant has provided separate materials regarding the vision for the mobility hub, but fine detail within the PCPD, either through commitments or design standards, should be considered.

Due to the nebulous nature of specific commitments regarding the mobility hub, references to it in the commitments section have been removed. When specific details have been sufficiently agreed upon, they will be added at future phases such as Subdivision or Site Improvement. The mobility hub is still referenced in the project narrative and summary sections of the rezoning package, as the Applicant and CDOT believe that the site is a top-tier location for a Mobility Hub. Multiple location studies conducted have identified this location as the best site for a mobility hub and for an eventual Front Range Passenger Rail connection in the medium and long term.

4. The PCPD does not include a community pool or recreation center and potential impacts to facilities or services in the Town of Castle Rock remains a concern. The outdoor fitness facility committed to in either PA-5, PA-7, or PA-15 would not eliminate potential impacts.

The applicant referenced that off-site recreation will be considered at subdivision. However, this isn't a true dedication or commitment since the County subdivision process does not have a built-in requirement for additional off-site improvements beyond park land dedication or cash-in-lieu fees specific to the number of units proposed in a subdivision. The applicant will need to consider additional recreational amenities within, or in addition to, parks and trails to serve residents within Pine Canyon. Future residents would not likely use recreation facilities associated with the PA-6 hotel and spa; the applicant should consider a funding mechanism for amenities through the future metro district.

The Applicant has updated the Statement of Commitments to include reference to the funding mechanism through future Title 32 Metropolitan Districts in reflection of this comment and discussions with County Planning Staff. In order to maintain the Application's dedication to water conservation, no community pool is included in the PD. The Applicant anticipates that future subdivisions will very likely include community recreational facilities as is common throughout subdivisions along the Front Range.

5. Clarify the intent of the Walter J. Scott Riparian Preserve (OSP-8) and the homestead (PA-20) as related to the following discussion items:

- a. How is the PA-20 homestead to function within the middle of a conservation easement? Should PA-20 be included as a part of OSP-8 if the applicant's main focus is to preserve, but not develop the homestead?

The Applicant has updated the PD to include the Homestead area as a preserved structure within the greater OSP-8 planning area which will be preserved by a conservation easement. The eventual easement will include a

“bubble” for the Homestead area to ensure its preservation and allow for proper upkeep to the buildings. A previously approved and County accepted conservation easement with multiple “bubbles” similar to the one proposed has been included in the response package as an example of what an eventual easement will reflect.

- b. Some of the permitted land uses proposed within OSP-8 could be considered too intense for a conservation easement area. The intent of OSP-8 should be taken into account when considering permitted land uses.

The Applicant has updated the proposed uses for OSP-8 to reflect this comment.

- c. A nature center is proposed within OSP-8. While this use could be consistent with a conserved open space, the use will have to be defined in any conservation easement.

The proposed nature center use has been removed.

- 6. The applicant should provide more detail on access to the Walter J. Scott Riparian Preserve (OSP-8), the homestead (PA-20), and the proposed water treatment facility (PA-21). The PCPD Land Use Plan Overview (Sheet 8) provides some detail on access, but no roadway improvements are identified in the commitments. If OSP-8 has public access, or if access to PA-21 occurs via OSP-8, commitments for access improvements could be needed. Further, as staff understands, the current access to this portion of the property crosses Union Pacific railroad right-of-way (ROW). Has the applicant communicated with Union Pacific regarding a new public at-grade crossing?

Access details to the various Planning Areas have been clarified in the PD. OSP-8 will be accessed by the public exclusively via the pedestrian and bicycle path through the culvert crossing. The homestead and wastewater reclamation facility will not be open for public access. Both of these areas will be accessed via the current private crossing only for specific purposes (the homestead by invitation for educational purposes, the facility for operations or maintenance), and the current crossing agreement covers these uses. No new public at-grade crossings will be required.

- 7. Public trail access is proposed to OSP-8 via an existing culvert underneath Union Pacific railroad ROW. Has the applicant confirmed a culvert crossing is viable for public use?

Yes. The Applicant has confirmed culvert crossings to be viable, and common, for public use. The area around Pine Canyon has multiple examples (including at Hangman’s Gulch and near Montaine). The Applicant has held initial discussions with the PUC regarding this crossing and will complete the approval process for this crossing after creation of Title 32 Metro Districts.

- 8. The applicant has indicated that the natural resources study referenced in PCPD Section 4.7 is in process of being revised. The applicant should be prepared to address mitigation of impacts from the proposed Wastewater Treatment Plant near Plum Creek, preservation of the Plum Creek riparian corridor and Preble’s Meadow Jumping Mouse habitat, and how wildlife movement can be promoted on the east side of I-25. Regarding the Plum Creek Corridor, the applicant has indicated that the Walter J. Scott Preserve will provide a natural buffer for wetlands, vegetation, wildlife preservation, or other environmental protections. Applicant will need to be prepared with answers to all these questions going forward.

The Applicant has completed an updated and expanded Natural Resources Assessment. This revised report is included. Impacts from the Wastewater Reclamation Facility will be minimal and will be mitigated. The facility is located in a corner of the

property separated and away from the East Plum Creek corridor. The revised NRA includes details regarding the riparian corridor and Preble's Meadow Jumping Mouse habitat. The Applicant has worked with multiple federal agencies to ensure that the riparian area and species habitat is maintained and preserved. Wildlife movement east of I-25 is addressed in the updated NRA and open space planning areas throughout the property have been designed to promote species movement throughout them.

9. Has the applicant considered requiring a buffer or setback from the Colorado Interstate Gas Company Easement within PA-3 and PA-4?

The Applicant has held extensive discussions with Black Hills Energy regarding this easement. No construction or development shall occur over or within the easement overlay. The 60' easement, combined with the required setbacks within the development standards, will create a safe easement corridor which will mirror the corridor in the neighboring development across Founders Parkway.

10. Does the applicant have a draft of the design guidelines referenced in PCPD Section 4.1.a, Section 4.1.b, and Section 4.3.a.v?

These design guidelines will be developed by the Title 32 Metro Districts and their boards with specific goals and aesthetics for individual subdivisions.

PLANNED DEVELOPMENT EXHIBIT AND DEVELOPMENT PLAN:

11. See the attached Planning staff redline entitled "*PineCanyonDevelopmentPlan-Revised3-10-23-PLANNINGREDLINES.*" Utilize these redlines for preparation of your resubmittal.

The Applicant has responded to all Planning Staff redlines on the PD and has included a copy of the PD showing each redline comment and the corresponding response.

SUMMARY OF MAJOR REFERRAL COMMENTS:

12. The Town of Castle Rock provided substantial comments on the resubmission. The Town indicated its adopted Matters of State Interest regulations are applicable to the PCPD and that a Town of Castle Rock Matters of State Interest permit is required of the applicant through Castle Rock. Staff suggests that the applicant provide the Otten Johnson letter of April 24, 2023 to the Town. The applicant will need to address comments from the Town.

The Applicant has responded to the Town's comments in a separate enclosed letter. The Otten Johnson letter is included with the Applicant's response to the Town.

13. The Town of Castle Rock Water (CRW) responded that it does not support the proposed water appeal. CRW has additional concerns regarding management of reuse of wastewater in the development, the viability of the water efficiency plan, and general water supply to the development. The applicant will need to respond these comments.

The Applicant has responded to CRW's comments in a separate enclosed letter.

14. Castle Rock Fire and Rescue Department (CRFD) stated it will petition for removal of PCPD from its district if the application is approved. CRFD has concerns regarding the reliability of water supply for purposes of firefighting and wildland firefighting. The applicant will need to address these comments as they will affect public safety.

The Applicant has thoroughly addressed all of the comments attributed to the CRFD, including responding to the legality of the Department's threat of removal, all funding questions proposed, and the water supply comments in the Applicant's responses included with the previous referral response package. These responses were not addressed or referenced at all, despite their thorough answering of CRFD comments. This

package has been included again.

15. A referral response request was sent to Douglas County Parks, Trails and Buildings Grounds. In particular, Parks requested clarification on the function and use of Walter J. Scott Park and recreational amenities proposed within the park. The applicant should provide greater detail on the intent and function of the park.

The Walter J. Scott Riparian Preserve is no longer designated as a park, and is instead planned as Open Space. This reflects Douglas County Parks' suggestion.

16. A referral response request was sent to Douglas County Engineering Services. Technical comments were provided on the roadway commitments section of the PCPD, as well the traffic and drainage studies. Please contact Ken Murphy in Engineering Services (kmurphy@douglas.co.us or 303-660-7460) to discuss the response.

The Applicant has updated the PD to reflect Douglas County Engineering comments. All DC Engineering comments regarding the TIA are acknowledged as being of summary in nature. All Drainage Study comments are acknowledged and will be addressed in Phase II/Phase III drainage reports as per DC Engineering's suggestion.

17. Douglas County Wildfire Mitigation reviewed the proposal and indicated that the Forest Management Plan will need some adjustments to meet County requirements. Please respond to comments and confirm the timeline for submittal of a revised plan.

The most recent response from the Douglas County Wildfire Mitigation staff (letter dated January 10, 2022, enclosed) indicates that the Forest Management Plan is "compliant for rezone process". Additional plans and details will be provided during appropriate land use processes after rezoning approval.

18. The U.S. Army Corps of Engineers provided a referral response and recommends that a wetland delineation identifying the boundaries of aquatic resources within the project area be performed. Such study may be used for completion of a jurisdictional determination to identify whether waters of the U.S. are present. The applicant should address whether they plan to complete a wetland delineation or if any permits will be required related to development of the PCPD.

The U.S. Army Corps of Engineers comment letter refers specifically to dredge and fill projects within Waters of the United States (WOTUS). As detailed in the updated NRA included in the response package, the only likely WOTUS on site is East Plum Creek itself (especially in light of the most recent Supreme Court ruling and adjusted EPA guidance on WOTUS boundaries). The Applicant has no projects planned within East Plum Creek, and has committed to preserving the area via conservation easement.

19. Colorado Geological Survey reviewed the proposal and indicated that most of its comments have been satisfactorily addressed. Additional technical comments to the applicant's preliminary geotechnical report were provided and should be addressed by the applicant.

The Applicant has addressed the small, technical comments from CGS regarding two exhibits in the PD by updating the PD to reflect those comments.

20. CDOT reviewed the proposal and provided technical comments on drainage, stormwater and environmental design, ROW dedication and access permitting, the applicant traffic study, and the proposed mobility hub. See the full CDOT letter for comment details and provide a response to CDOT's concerns.

The Applicant has addressed all CDOT comments in an enclosed copy of the CDOT letter with individual comment responses.

21. Colorado Parks and Wildlife (CPW) reviewed the proposal and discussed impacts of

development on habitat. The applicant should address CPW's comments and indicate what studies or other steps will be taken by the applicant to address these concerns.

The Applicant's updated Natural Resources Assessment (which is enclosed) addresses all of CPW's comments.

22. Lytle Water Solutions (LWS), the applicant's water consultant, reviewed all water documentation submitted by the applicant. As discussed above, additional discussion is needed regarding the applicant's WEP, water reuse plan, and the wastewater treatment plan.

The Applicant has prepared a separate response memo to LWS which addresses all comments. The memo is enclosed.

COMMUNITY OUTREACH:

23. Douglas County highly encourages community outreach between the applicant, abutting property owners, and the public. Outreach is an important tool for gaining community support and feedback on land use proposals. The applicant should provide any outreach documentation to staff for the file. No comments from the public were received during the 2nd referral period.

The Applicant has pursued multiple avenues of community outreach throughout the lifespan of the project, including hosting public neighborhood meetings and individual discussions with the public and abutting property owners. The Application has been updated and changed numerous times to reflect community input. Some of these changes have included roadway improvements and modifications to manage traffic impacts, alterations to the size and location of parks and open spaces to promote community feel and enjoyment, and additional viewplane and grading restrictions to highlight the property's natural resources. As the application continues through processes, the Applicant will continue community outreach in various forms and will provide County staff with documentation of these efforts.

NEXT STEPS:

Staff is available to discuss referral and plan redline comments with the applicant as needed. Once the applicant has reviewed and digested referral and staff comments, it may be necessary to meet on certain topics. Staff reserves the right to provide additional comments during the processing of the application.

Sincerely,


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Mike Pesicka
Principal Planner
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Attachments: *Referral Response Report*
PineCanyonDevelopmentPlan-Revised3-10-23-PLANNINGREDLINES

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst		No Response Received.	No action necessary.
AT&T Long Distance - ROW	03/23/2023	Received (verbatim response): No conflicts. No facilities in area.	No action necessary.
Black Hills Energy		No Response Received.	No action necessary.
Building Services	03/23/2023	No Comment.	No action necessary.
Castle Pines Homes Association		No Response Received.	No action necessary.
Castle Rock Fire and Rescue Department	04/12/2023	<p>Received:</p> <p>Following is a summary of referral comments received from Castle Rock Fire and Rescue Department (CRFD). These comments, submitted as part of the 1st Referral, remain applicable to the 2nd Referral.</p> <ul style="list-style-type: none"> - CRFD will petition for removal of the property from its District if the application is approved. Fire protection will need to occur from another District. CRFD is concerned about a reliable water supply for fire-fighting. - CRFD indicates that significant development review time would be required, including water system and fire flow, infrastructure, wildland fire, building construction plan review, and life safety inspections. - CRFD would need demonstration of the capability of a new water and sewer district regarding fire flows, hydrants, testing and maintenance. - The full scope of development at built-out means it is not currently possible to assess site access, street widths, and grades for fire apparatus. - Issues could exist regarding enforcement of the fire code and arson investigations because the site is in unincorporated Douglas County. - Due to significant open space, wildland fire is an issue. - The size of any proposed fire station will have to be evaluated. Typically, the most appropriate size for a fire station is 3 acres. - There could be issues with how funding is provided. - CRFD expressed concerns regarding review of permits and construction plans with the property being unincorporated. 	<p>These comments were addressed in the Applicant's previous referral response submittal through multiple supporting documents. These documents have all been included in this referral response, as well.</p>

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
CDPHE - All Referrals	03/22/2023	<p>Received: Following is a summary of the referral comments received from Colorado Department of Public Health and Environment (CDPHE).</p> <p>CDPHE provided general requirements and guidelines for hazardous and solid waste, water quality, clean water as related to stormwater, domestic water, and drinking water, air quality and air emissions, and health equity.</p>	<p>The applicant acknowledges receipt of these general comments and has ensured they are integrated into the PD and other documents as necessary.</p>
CenturyLink		No Response Received.	No action necessary.
Chatfield Watershed Authority	04/13/2023	No Comment.	No action necessary.
Cherry Creek Basin Water Quality Authority	04/11/2023	<p>Received (verbatim response): The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for Project number ZR2020-010, Pine Canyon Planned Development - 2nd Referral have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority’s current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County’s review and ultimate determination that the proposed development plans comply with Regulation 72.</p> <p>If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwwqa.org. The review may include consultation with the Authority’s Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted.</p>	<p>The Applicant appreciates CCBWQA’s comment and will work with the Authority on a technical review if one is deemed necessary at a later stage.</p>
City of Castle Pines		No Response Received.	No action necessary.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

<p>Colorado Department of Transportation CDOT-Region # 1</p>	<p>04/12/2023</p>	<p>Received: Following is a summary of the referral response received from CDOT on 4-12-23. See full letter for detail, which includes summary of previous comments.</p> <p><u>Drainage Comments (8-30-21)</u> - Drainage report missing critical data about detention and outlet structures. Report should mention potential impacts to I-25. Hydraulic features of I-25 are being analyzed.</p> <p><u>Environmental Comments</u> - Some of site in CDOT MS4 area. Analysis of existing water quality facilities and impacts is needed. - Landscaping of CDOT ROW should be native species. - Stormwater Management plan must be prepared. - All necessary permits must be obtained. Compliance with CDOT MS4 permit necessary.</p> <p><u>Traffic Comments (10-15-20)</u> - Applicant should evaluate traffic assessment to assure proper estimates from I-25 north. Additional technical comments on the traffic study are stated. - Additional comments (8-31-21) indicate applicant has resolved most of traffic study comments. Some technical comments remain.</p> <p><u>Right of Way Comments</u> - Technical comments provided during stages of the project review on 10-6-20 and 8-20-21. As of 3-27-23, previous 8-20-21 comments are resolved. - 4-4-23 and 3-27-23: ROW or land cannot be dedicated to CDOT. If land were dedicated to the Town, it could be subsequently dedicated to CDOT as a donation. How does applicant propose land dedications for the mobility hub? - Question regarding proposed land use arrangement in the mobility hub.</p> <p><u>Resident Engineer (10-23-20 through 4-7-23)</u> - Mobility hub still being determined. Plans for I-25 underpass will be reviewed at time they are available.</p> <p>Permits Comments (10-20-20 to 4-4-23) - Access to State Highway requires an access permit. Signage from development must be on-premise. Confirm if CDOT has ROW on Liggett Road.</p> <p><u>Other Comments:</u> - Technical comments regarding the TIS, traffic signals and off site improvements. (8-31-21) - Mobility Hub remains undefined at this time. Technical comments provided regarding status of CDOT planning for Mobility Hub is provided (10-19-20)</p>	<p>All CDOT comments have been addressed in a letter enclosed in the response package.</p>
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
		<p>- 5 potential Mobility Hub locations are being discussed (of which the subject site is one) (4-5-23).</p> <p>- Technical comments regarding the regional benefits of a Mobility Hub are discussed, as well as summary of other CDOT and Town policies toward transit and mobility.</p>	
<p>Colorado Division of Water Resources</p>	<p>03/28/2023</p>	<p>Received: Following is a summary of the referral response received on April 14, 2023 (which supersedes the March 28, 2023 letter) from the Colorado Division of Water Resources (CDWR). See the full letter for detail.</p> <p>As proposal is not a subdivision, CDWR comments do not address adequacy of water supply, satisfaction of County requirements, or guarantee of a viable water supply plan or infrastructure, well permit, or physical availability of water.</p> <p>Per water supply report, applicant estimates a water demand of 375.79 acre-feet per year for the development composed of indoor & outdoor residential, office, retail, hotel, and school land uses, as well as outdoor irrigation for hotel/retail/office/school uses.</p> <p>Applicant proposes a new water provider (Pine Canyon Water and Sanitation District) that has not been formed. Applicant indicates new District owns 863.9 acre-feet of decreed water rights. An amendment to existing augmentation plans may be required to allow uses specified in PD. CDWR indicates that 709.9 acre-feet of supply is available for use.</p> <p>CDWR records show 2 well active permits on the site for livestock watering on a farm or ranch. Applicant should be aware that if the parcels on which the existing wells are located are subdivided, the wells must be plugged and abandoned or adjudicated as part of an augmentation plan.</p> <p>CDWR indicates that the development is proposed to utilize more than 52% of available water supply, and recommends that the County determine whether it is appropriate to require development of renewable water resources for a long-term water supply.</p>	<p>The Applicant appreciates CDWR's thoroughness and looks forward to working with CDWR at the Subdivision stage. The Applicant understands that as part of future Subdivision processes, amendments to augmentation plans may be necessary. The Applicant is aware that it will need to either abandon or adjudicate the two existing wells and plans to do so at the appropriate time. Finally, the Applicant is looking forward to continuing to work with the County to address any outstanding comments regarding water supply if and when those comments are to arise.</p>

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Colorado Geological Survey	04/12/2023	Received (verbatim response): Colorado Geological Survey's review comments regarding mapped landslide-, debris flow-, and rockfall-susceptible areas have previously been satisfactorily addressed. However: The slope delineations on Sheet 9 of 15, Pine Canyon Existing Conditions Map & Slope Analysis (Core Consultants / PCS Group, Inc., revised March 8, 2023) are generally correct, but the legend seems to be reversed and needs to be corrected. This was also a CGS review comment from several years ago. The title and legend on sheet 10 are inconsistent with whatever is being shown on this sheet.	The Applicant is pleased that CGS has found that their previous comments have all been satisfactorily addressed. The minor delineation and legend issues have been corrected and updated in the PD.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Colorado Parks and Wildlife	03/31/2023	<p>Received: Following is a summary of the referral response received on October 20, 2020 from Colorado Parks and Wildlife (CPW). See the full letter for detail.</p> <p><u>Habitat</u> Main impacts of the proposal are fragmentation and loss of habitat. Impacts to wildlife can be minimized through clustering, density reduction, and provision of open space. Contiguous open space areas are more beneficial to wildlife if they connect to other areas.</p> <p><u>Trails</u> When planning trails in the area, consideration should be given to trail impacts. Trails should not cut through riparian areas, and should remain at least 50 feet from them, and should be along edges of open space.</p> <p><u>Noxious Weeds</u> The spread of weeds should be monitored closely. CPW recommends implementation of a weed management plan.</p> <p><u>Wildlife</u> CPW would expect a variety of wildlife on the site, mostly small to mid-sized mammals, birds, and raptors, with potential for big game (elk, deer, bear, and mountain lion).</p> <p><u>Raptors</u> Care should be taken and buffers provided around any raptor nest discovered.</p> <p><u>Prairie Dogs and Burrowing Owls</u> Prairie dog colonies may exist onsite, which also may provide habitat for burrowing owls. If any earth-moving is proposed between March 15th and October 31st, a burrowing owl survey should be performed. If prairie dogs are present onsite, CPW recommends relocation or euthanasia.</p> <p><u>Living with Wildlife</u> Future residents can reduce conflicts with wildlife through proper storage of trash and pet food, and by not feeding wildlife. Residents should avoid conflict with wildlife through use of pet leash laws, protection of pets and hobby livestock not under supervision, and reducing attractants to the property.</p>	<p>The Applicant has reviewed CPW's comment letter and has included an updated Natural Resources Assessment into its Submittal package. This updated Assessment addresses CPW's comments regarding Habitat, Wildlife, Raptors, Prairie Dogs and Burrowing Owls, and Living with Wildlife. Trails have been planned at the edges of open spaces and outside of riparian areas, and more detailed designs will occur after Rezoning approvals. Noxious weed plans have been developed, and more detailed plans for particular areas will be included in future Subdivision filings.</p>
Comcast		No Response Received.	No action necessary.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
CORE Electric Cooperative	04/12/2023	Received (verbatim response): CORE will require setback changes to be made to meet CORE easement requirements. In addition CORE has existing 115 kV transmission line within PA 19 and no structures will be allowed within CORE easement.	There are no planned structures within any easements.
Douglas County Conservation District	03/27/2023	Received: Following is a summary of the referral response received from the Douglas County Conservation District (DCCD). See full letter for detail. DCCD items addressed: - Due to soil limitations on site, mitigation will be required at engineering design and construction for structures, roads, and other shallow excavations. - Recommendations provided for site preparation and maintenance regarding topsoil, re-seeding and mulching. - DCCD recommends a phased grading approach. - Weed management program recommended. - Vehicle tracking control stations recommended at entry and exit points. - Development not supported in or near drainages, or in disturbance of wetlands. - Applicant is commended for preserving 173 acres along East Plum Creek. - Silt fences or other erosion control measures need to be planned to protect water quality at construction. - Low Impact Development Techniques recommended. - Soil Report attached to comments.	Soil limitation factors, site preparation, vehicle tracking, low impact development techniques, and construction erosion control measures at the time of construction are all topics which will be addressed at the appropriate future stages. The project will implement phased approaches in all aspects, including grading. Weed management plans have been developed, and more detailed plans for particular areas will be included in future Subdivision filings. Drainages and wetlands will not be disturbed. The Applicant appreciates DCCD's acknowledgement of the Walter J. Scott Riparian Preserve.
Douglas County Health Department	04/12/2023	Received: Following is a summary of the referral response received from Douglas County Health Department (DCHD) on April 12, 2023. See the full letter for detail. <u>Will Serve - Water and Sewer Service</u> DCHD has not received an approval letter from CDPHE for the proposed water treatment plant, or a will serve letter from Castle Rock Water. Therefore, DCHD cannot provide a favorable recommendation regarding the proposed method of sewage disposal. <u>Fugitive Dust</u> DCHD recommends dust mitigation during construction.	The comment presented here in this matrix regarding Water and Sewer Service seems to be outdated. The DCHD updated their comments to reflect that they had received all appropriate CDPHE approvals and now favorably recommends the water and sanitation service for the project. Fugitive Dust mitigation will be addressed at a future stage.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Douglas County Historic Preservation	04/12/2023	<p>Received: Following is a summary of the referral comments received from Douglas County Historic Preservation Board (HPB). See full letter for detail.</p> <p>Applicant has addressed concerns from HPB's previous referral comments indicated that a cultural resource report will be provided for the property at preliminary plan subdivision.</p> <p>HPB further requests that if artifacts or activities are discovered during development of the site, the applicant complete proper Office of Archaeology and Historic Preservation (OAHP) Data Management forms and submit to the OAHP.</p>	<p>Comments acknowledged. If any artifacts or activities are discovered, Applicant will take appropriate actions as requested.</p>
Douglas County Housing Partnership		No Response Received.	No action necessary.
Douglas County Parks and Trails	04/12/2023	<p>Received (verbatim response):</p> <ul style="list-style-type: none"> - Douglas County will not take ownership or assume any maintenance on any park or trail. - Suggestion for trail to exist independent from roadways, within property limits and to be 8' in width. Surface improvements to meet ADA standards and include improved surfacing. - Connecting trail from Plum Creek to Founders Parkway would have regional implications. - Specific plans/design will be needed to approve park land dedication requirements. Accepted improvements include Parks, Trails and any capital improvement therein. Open Space areas will not count towards requirements. - Dedicated parks will not need to meet Regional park standards to receive parks credit. - Recalculation of Park/Land dedication will be needed to include- .045 x Dwelling units, and gross site acreage of 3% of non-residential properties, multi-family units will be based on population density models in the area. - Information on function and use of Walter J. Scott Park needed for evaluation for credit. This may be better suited as open space. - Town of Castle Rock should be consulted on trail connectivity and recreation impacts in the area. - Detailed pedestrian Rail Road crossing plan information will be needed. - Additional recreational amenities need to be considered within, or addition to, proposed parks and trails. 	<p>All Douglas County Parks and Trails comments here and summarized above have been addressed in updates to the PD and in the enclosed updated Natural Resources Assessment.</p>

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Douglas County School District RE 1	04/13/2023	<p>Received: Following is a summary of the referral response from the Douglas County School District (DCSD). See full letter for detail.</p> <p>Proposed 1,800 dwelling units generate an estimated 873 students (469 elementary, 135 middle, and 269 high school), and a school land dedication requirement of 20.56 acres. Given a 12.7-acre school site, cash-in-lieu of land dedication is required for the remaining 7.86-acre balance.</p> <p>DCSD requests a voluntary contribution towards Capital Mitigation of \$2,701 per single-family dwelling and \$338 per multi-family dwelling unit at final plat.</p>	<p>Responses to DCSD comments have been included in the updated PD.</p>
DRCOG		No Response Received.	No action necessary.
Engineering Services	04/17/2023	<p>Received: Following is a summary of the referral response received from Douglas County Engineering. See full letter for detail.</p> <p><u>Planned Development Exhibit:</u> - Sheet 4 (Section 1.3 Streets) - Sheet 5 (Section 2.4(B) Site Access Improvements) - Sheet 5 (Section 2.4.(C) Off Site Roadway Improvements) - Sheet 5 (Section 2.6 Stormwater Management and Drainage Improvements)</p> <p><u>Traffic Impact Analysis (TIA):</u> Comments discuss a summary of the order TIA submittals. Engineering assumes the June 2021 TIA is the master traffic study as no study was submitted with the most recent submission.</p> <p><u>Drainage Study:</u> Technical comments provided and should be addressed in the Phase II and Phase III drainage reports.</p> <p>Engineering Public Works Resources are available via the following link: https://www.douglas.co.us/public-works/development-review/</p>	<p>Responses to all Engineering comments have been included in the updated PD. The June 2021 TIA is the correct study. Technical comments will be addressed in Phase II and Phase III reports.</p>
Mile High Flood District	04/14/2023	Received: Project is outside MHFD boundary.	No action necessary.
Office of Emergency Management		No Response Received:	No action necessary.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Open Space and Natural Resources	04/14/2023	<p>Received: Following is a summary of comments received from Douglas County Open Space and Natural Resources. For full details see letter dated April 14, 2023.</p> <ul style="list-style-type: none"> - Douglas County Open Space (DCOS) acknowledges that the applicant has worked through a number of previous questions on this proposal, of which some have reached satisfactory conclusion. - Dedication of open space lands to a future District or HOA is appreciated. - Staff recognizes that the proposal to use open space to buffer East Plum Creek and provide recreational trails is sound. - Staff appreciates the trail system proposed throughout the development. - Staff appreciates the PA-20 homestead and attempt to preserve agricultural heritage. - East Plum Creek (and associated wildlife movement and Preble's meadow jumping mouse habitat) is a high priority to DCOS, and is a Tier 1 resource in the County Comprehensive Plan. A conservation easement over OSP-8 would be a valuable resource in preserving the conservation values of the corridor. DCOS staff will review the proposal to see if the County or another land trust would be the best fit to hold a conservation easement. 	<p>The Applicant appreciates Douglas County Open Space and Natural Resource comments. The Applicant anticipates continuing to work closely with DC-OSNR in the future.</p>
RTD - Planning & Development Dept		No Response Received.	No action necessary.
Sheriff's Office	04/07/2023	No Comment.	No action necessary.
Sheriff's Office E911	03/23/2023	No Comment.	No action necessary.

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Town of Castle Rock	04/12/2023	<p>Received (verbatim response): Also included with the Town of Castle Rock external referral responses for the Pine Canyon PD - 2nd review, is the Town's response to the Applicant's Water Appeal Response Letter dated 1-11-2023. Project Pro did not provide an option to upload the Town's Water Appeal response directly to MI2020-009, so please accept the Town's Water Appeal response letter uploaded to ZR2020-010. If you have questions, please contact Sandy Vossler at svossler@crgov.com or 720-733-3556. Thank you, Sandy</p> <p>----</p> <p>Following is a summary of the comments received from the Town of Castle Rock (TOCR). See full letter and Planned Development Exhibit redlines for detail.</p> <p>Overall, TOCR does not support urban level development in an unincorporated area that is by all intents and purposes surrounded by TOCR.</p> <ol style="list-style-type: none"> 1. Connection of TOCR Right-of-way (ROW), Trails, etc. No connection to any ROW, trails etc. will be permitted. No construction improvements will be allowed under or above TOCR land, including Liggett Rd. and Front St. PD plan should show no connections. 2. Easements and Construction No easements should be shown on TOCR property or ROW. TOCR will grant no easements in the future. 3. Off-site Roadway Improvements On PD Plan (Sheet 5 Sec. 2.4.C.a), all offsite improvements should be deleted. TOCR has requested a note reflecting improvements and a Matters of State Interest Permit. 4. Water and Sewer Facilities On PD Plan (Sheet 5 Sec. 3.d) TOCR requests a new note regarding a Matters of State Interest Permit. 5. Matters of State Interest PD Plan (Sheet 6 General Provisions) should include a section on the TOCR Matters of State Interest procedures and process. 6. Traffic Impact Study Remove all road connections to TOCR, and resubmit a TIS that reflects same. <p>** Attached to the TOCR referral letter is a set of redline comments on the PD Plan.</p>	<p>Responses to all Town of Castle Rock comments are included in a separate enclosed letter.</p>

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

Agency	Date Received	Agency Response	Response Resolution
Town of Castle Rock Water	04/12/2023	<p>Received: Following is a summary of referral comments received from Castle Rock Water (CRW). See full letter for detail.</p> <ul style="list-style-type: none"> - CRW does not support the proposed water appeal. - No renewable water is proposed, and discussions, or a fund to obtain renewable water is not renewable water supply. - CRW has concerns regarding the possibility of funding purchase of renewable water and infrastructure for delivery. - CRW has concerns regarding management of reuse of wastewater in the development. - CRW has concerns regarding the applicant water efficiency plan. - CRW provides additional arguments against the applicant's Water Appeal and supply to Pine Canyon. 	<p>Responses to all Town of Castle Rock Water comments are included in a separate enclosed letter.</p>
US Army Corp of Engineers	03/31/2023	<p>Received: Following is a summary of the referral comments received from the US Army Corps of Engineers (USACE). See the full letter for detail.</p> <p>USACE recommends that the applicant prepare a wetland delineation to identify the boundaries of aquatic resources within the project area. The study may be used for completion of a jurisdictional determination to determine whether or not these are waters of the United States.</p> <p>USACE describes potential permits and process that may be required if excavation, dredging, or fill activity impacts Waters of the US.</p> <p>Applicant should notify the USACE Denver Regulatory Office if any activity would impact Waters of the US.</p>	<p>USACE comments have been addressed in the Natural Resource Assessment enclosed in the response package. The only WOTUS on site is East Plum Creek itself which will be preserved via a conservation easement.</p>
USDOI Fish & Wildlife Service	04/14/2023	<p>Received: Following is a summary of referral comments received from US Fish & Wildlife (USFWS). See correspondence for detail.</p> <p>USFWS has no additional comments beyond it's correspondence to the applicant, which is attached.</p>	<p>The Applicant has worked closely with USFWS and will continue to do so in the future.</p>
Agency	Date Received	Agency Response	Response Resolution
Wildfire Mitigation	04/05/2023	<p>Received: Following is a summary of the referral responses received from Douglas County Wildfire Mitigation. See full letter for detail.</p> <p>Wildfire Mitigation maintains the same comments from the first referral as summarized below.</p> <ul style="list-style-type: none"> - PD is subject to the requirements of the Wildfire Hazard Overlay District (DCZR Sec. 17). - Forest Management Plan intent statement is for 	<p>The application includes an updated letter from Wildfire Mitigation revising comments and stating that the plan is now "compliant for the rezoning process".</p>

Referral Agency Response Report

Project Name: Pine Canyon Planned Development

Project File #: ZR2020-010

Date Sent: 03/22/2023

Date Due: 04/12/2023

		<p>program.</p> <ul style="list-style-type: none"> - Plan contains sound forest management strategies, but some adjustments are needed, including consideration of community protection from fires outside the community. - Mitigation/hazardous fuels reduction activities must be completed and accepted prior to the issuance of building permits. - Fuels reduction should be maintained (i.e. oak mowing and perimeter grass mowing activities) in management plans. - New development should not allow bark mulch material immediately adjacent to structures. - Applicant should submit appendices to the forest management plan. <p>Following is a summary of the updated 2nd Referral letter:</p> <ul style="list-style-type: none"> - Forest Management Plan includes sound management practices, and has been accepted by the Natural Resources Conservation Service (NRCS) for the Environmental Quality Incentives Program (EQUIP). The plan is compliant for a rezoning process. As the proposal proceeds through various phases of the land use process, it will require adjustment to implement wildfire mitigation strategies. 	
<p>Xcel Energy- Right of Way & Permits</p>	<p>04/13/2023</p>	<p>Received (verbatim response): No additional comments, as long as applicant has communicated with Xcel to confirm no conflicts with Xcel facilities.</p>	<p>The application has no conflict with Xcel facilities.</p>

Curt Weitkunat, AICP
Department of Community Development
for Douglas County, Colorado
September 13, 2023
Page 1

JRW FAMILY LIMITED PARTNERSHIP LLLP
5975 East Jamison Place
Centennial, CO 80112

September 13, 2023

VIA EMAIL

Curt Weitkunat, AICP
Department of Community Development
Douglas County, Colorado
100 Third Street, 2nd Floor
Castle Rock, CO 80104

Re: Response to Castle Rock Water Referral Letter dated April 12, 2023

Dear Curt:

We are pleased to present this letter addressing the referral comments of Castle Rock Water as set forth in Mark Marlowe's letter dated April 12, 2023. This letter contains our response to Mr. Marlowe's numerous assertions and possible concerns. We do reserve the right to supplement our responses as the circumstances warrant.

In a five-page single spaced letter, Mr. Marlowe makes multiple statements. Although Mr. Marlowe's letter does not contain headings, we have addressed the statements in the order presented.

A principal concern involves "renewable" water. As Mr. Marlowe notes, the Applicant has revised its Metro District Service Plans to provide for an earmarked set aside fund specifically for the future purchase of renewable water. The Applicant is happy to provide additional details regarding the renewable water fund.

Pursuant to its governing documents, the District can only expend these set-aside funds to acquire renewable water resources and build infrastructure for such renewable water resources. The financial details of the Renewable Water Fund were subject to multiple rounds of CDPHE review, and comment from referral agencies, including CRW. After its careful review, CDPHE approved Pine Canyon's Site Location Application in part due to the fiscal responsibility of the plan and the set-aside fund.

Multiple new Douglas County renewable water projects have been proposed in the last two years. The Applicant believes more will arise in the near future. One proposal considered a pipeline from the San Luis Valley. Another proposal known as the Platte Valley Water Partnership would store unused South Platte River water and pipe the water back to Parker, Colorado.

Each of these proposals involve multiple jurisdictions pooling funds for large projects. These are the types of projects the Applicant's Metro Districts would consider and, under the right circumstances, partner with in order to bring renewal water to this new community.

Additional proposals and opportunities for renewable water resources are being developed by several public and private entities. Successful and established water brokers have expressed interest in providing renewable water opportunities to Pine Canyon. The Pine Canyon Water and Sanitation District will continue to examine and pursue future renewable water proposals as supported by Douglas County and others.

Mr. Marlowe falsely attributes a statement about the WISE project to the Applicant, but it was the County's water consultant, Lytle Water Solutions, LLC, who stated in an October 23, 2020 letter: "**However, the WISE water as a standalone source is not a firm renewable water supply, as it can be interruptible.** For Pine Canyon to be able to utilize WISE water and claim it as part of its firm water supply will require some means to firm the interruptible supply. Since we are not aware of any means to firm a WISE supply at this time, **this water supply is not a viable source of water for Pine Canyon**" (emphasis added). Thus, the County's water consultant concluded that WISE water is not viable for Pine Canyon.

With respect to conjunctive use, Mr. Marlowe claims that the Applicant's proposal does not include a "true conjunctive use system". This strange, vague statement implies that there is some sort of special implementation or approval needed to create conjunctive use. However, multiple agencies, including the Colorado River Water Conservation District and Colorado State University define "conjunctive use" as the "combined use of surface and groundwater in a coordinated manner". That is precisely what the Applicant has proposed with its water plan and its set-aside renewable water fund.

With respect to CRW providing water service if the Applicant would annex to the Town of Castle Rock, the Applicant has not, as Mr. Marlowe claims, argued the contrary. The Applicant has been clear that, based on clear direction from both elected and appointed Town officials, annexation to the Town is not possible.

The Town Mayor, Town Manager, and several current Town council members all recently have stated the Town of Castle Rock will not consider – nor process – new residential annexations, as long the Colorado General Assembly considers broad based land use reforms. Governor Polis has supported these reforms via rhetoric and executive action in 2023. The Applicant understands that the Governor and others are planning new land use legislation for the 2024 legislative session of the Colorado General Assembly.

Castle Rock Water states it "is the only water supplier likely to have infrastructure close enough to the development to allow for the economical delivery of renewable water supplies." This statement is not accurate. There are other water providers with infrastructure close to Pine Canyon, including both Dominion Water and Sanitation District and Parker Water and Sanitation District.

With respect to the Applicant's CDPHE approvals, Mr. Marlowe's characterization of how CDPHE came to approve the Applicant's Site Application is wrong. The Approval letter clearly states that the Applicant's application was "found to be in conformance with the Water Quality Control Commission's *Site Location and Design Regulations for Domestic Wastewater Treatment Works, 5 CCR 1002-22* (Regulation 22) and is approved". The Town of Castle Rock and Castle Rock Water both actively chose not to appeal CDPHE's approvals.

In making its determination, CDPHE followed its regulatory requirements and performed a comprehensive “consolidation analysis” as part of the Applicant’s Site Application. This Analysis specifically included evaluation of the regulation which “identifies that the Division shall encourage the consolidation of treatment works whenever feasible”. The Applicant met this requirement and included multiple arguments as to why consolidation was infeasible. On top of that requirement, CDPHE requested multiple rounds of additional information from both the Applicant and Castle Rock Water regarding the feasibility of wastewater service consolidation. CDPHE even went so far as to *propose multiple options for consolidation and then to ask Castle Rock Water if it would support any of the proposed options*. It was only after CRW responded in opposition to every single option that CDPHE made its decision to approve the Applicant’s Site Application. In order to establish that the Application should be approved, CDPHE could not, as Mr. Marlowe asserts, simply conclude that “the consolidation evaluation required by CDPHE had been completed”. CDPHE had to – and did – determine that consolidation was not feasible based, in part, on the Town’s positions.

With respect to irrigation management systems, the Applicant has entered into a letter of intent with Brightview Landscape Management, a well-known irrigation management company that has operated in Douglas County for many years. Brightview manages multiple properties for the Town of Castle Rock itself. This company has met with Mr. Bruce Lytle, and crafted proposals to address Mr. Lytle’s concerns and other minor concerns expressed in the CRW letter regarding irrigation management.

CRW’s accusation that the Applicant does not address runoff into surface and groundwater is false. These concerns are thoroughly addressed in multiple places, including the Applicant’s Site Application, its Land Application Management Plan, its Water Efficiency Plan, and other documents. Additional concerns regarding irrigation management have been addressed with the Applicant’s letter of intent. This LOI arrangement addressed irrigation application to ensure the health, safety and welfare of the County’s present and future residents.

Mr. Marlowe makes the bizarre claim that the Applicant “has not provided anything in their plans that shows how this will be done from a practical standpoint”. In order to secure CDPHE approval, a Site Application must meet all the appropriate approval criteria detailed in Regulation 22. These criteria include: “Foreseeable potential adverse impacts on public health, welfare, and safety *including that the*

proposed treatment works can be operated and managed at the proposed site location to minimize such foreseeable potential adverse impacts as related to wastewater treatment and/or water quality” and “For treatment plants, the ability of the proposed treatment process(es) to meet the existing effluent limitations or applicable water quality planning targets”. To gain approval, the Applicant had to prove that its proposed facility is able to meet these requirements. The Applicant successfully did just that.

Mr. Marlowe asserts that the Town will “require the Applicant to apply for and obtain a Matters of State Interest permit as the PCWSD water and wastewater facilities are likely to have a direct impact on Castle Rock’s water and wastewater resources”. This assertion is wrong. The very clear Colorado Statute regarding Matters of State Interest permits is not applicable. C.R.S. § 24-65.1-501 allows only “the local government in which such development or activity is to take place” to require a Matters of State Interest permit. This development will not occur in the Town of Castle Rock, so the Town does not have any legal authority or legal basis to require a permit.

With respect to the Applicant’s proposed system’s need to fulfill Category 3 Plus requirements, the water reclamation facility and system is being specifically designed to meet these requirements. CDPHE thoroughly vetted the proposed system, and its ability to meet demands, when considering the Site Application. CDPHE issued its approval in part by recognizing that the Applicant successfully demonstrated an ability to operate its facility to meet “applicable water quality planning targets”. Because the Applicant will be able to successfully operate a Category 3 Plus system, reclaimed water uses go beyond simple irrigation. The Pine Canyon Water Reclamation Facility will be able to do exactly what Mr. Marlowe claims and will have some specific legally allowed uses by which water can “be reused over and over again to extinction”.

Mr. Marlowe falsely claims that “[The Applicant] states in his letter that they have addressed all of the concerns of the South Metro Water Supply Authority and other water providers.” The Applicant’s January 9, 2023 letter absolutely says no such thing. The Applicant’s letter reads “SMWSA’s letter (and the letters from other water providers) address the Applicant’s plans prior to the Applicant’s water plan revisions and prior to CDPHE’s approval of the Applicant’s technologically-advanced water treatment and application plans.” The Applicant simply stated that concerns from SMWSA and other water providers were outdated and did not reflect

updates to the Applicant's water plans. Furthermore, Mr. Marlowe states his belief that his stated concerns "will likely be the same as the South Metro Water Supply Authority's concerns as well as other south metro water providers". This is an easy claim for him to make, as in the past, he created an "astroturf" campaign by drafting and circulating a draft protest letter for other providers to sign and claim as their own. This, of course, ensures that Mr. Marlowe's concerns are merely repeated by others. However, it is noteworthy that during the most recent referral period (March 22, 2023 – April 12, 2023), none of these water providers nor SMWSA chose to provide any comments on the Application.

With respect to the CRW letter's comments regarding Zoning Resolution 1808A, the letter incorrectly asserts that the Applicant has not presented evidence that the appeal approval will not be detrimental to present and future inhabitants and sufficient supporting data presented of alternative water demand criteria. The Applicant has presented just such evidence.

With respect to health and safety and welfare, CDPHE considered this very health and safety concern. CDPHE's LAMP approval and issuance only occurred after its lengthy and critical review. As stated earlier, CDPHE issue its approvals only after concluding that a proposed new treatment facility is capable of "meet[ing] the existing effluent limitations or applicable water quality planning targets".

With respect to the Applicant's water demand standards, the Applicant's experts (namely Peter Mayer and Gina Burke) have presented abundant and comprehensive evidence regarding actual water demand usage standards. Mr. Marlowe makes the objectively false claim that "[The Applicant does] not have another water supply to meet the proposed outdoor irrigation demand". The Applicant's Water Supply Plan (WSP) explicitly details that the Applicant owns a water rights portfolio consisting of 709.9 acre feet/year of accessible, appropriated water underlying the property. The WSP details that the project will use 375.79 acre feet/year for indoor use at full build, and 317.79 acre feet/year for irrigation. This demand sums up to 693.55 acre feet/year of total water demand, less than the amount of water owned by the Applicant.

Even if the Applicant proposed no recycled water reuse at all, it would still have enough water supply to cover all projected demands. However, because of the Applicant's dedication to water conservation and water supply sustainability, the CDPHE-approved reclamation facility and water treatment system will create 357

acre feet/year of recycled water. This amount of recycled water is 11% greater than the total amount of demand for outdoor irrigation. Not only does the Applicant have more than enough water supply to meet the proposed outdoor irrigation demand, the Applicant's system will produce a surplus of recycled water treated to Category 3 Plus standards which can be used for means beyond irrigation.

Mr. Marlowe states multiple times throughout the letter that the Applicant's final CDPHE permit has not yet been issued. This statement is correct. A final permit will be issued after the site engineering (currently underway) is completed, submitted, and approved by CDPHE. However, Mr. Marlowe adds to this statement with assumptions about what requirements the final permit will include with assertions that the Applicant will not be able to meet those requirements. This is, on its face, nonsensical.

CDPHE undertook great effort to vet and approve the Site Location, Land Application Management Plan, and Preliminary Effluent Limits for the proposed wastewater reclamation facility and water treatment system. This effort keenly focused on the facility and system's ability to meet the requirements within Regulations 22 and 84. CDPHE will not subsequently issue permit requirements that are unachievable. The Applicant has been in communication with multiple divisions within CDPHE throughout the process to provide the necessary expertise, information, engineering, and planning which CDPHE has required or requested. The Applicant is confident that it will be able to meet any and all applicable requirements that CDPHE includes in the final permit.

With respect to water quality, the Applicant's real estate interests are large, extending from Founder's Parkway in the east to the Burlington Northern rail line in the west. The Applicant has ample alternative well locations in the unlikely event one well should reveal unfavorable contaminants. Hundreds of groundwater wells have been completed in the county with very few encountering water quality issues. The Applicant has multiple operating wells currently on site which have been tested and are monitored for contaminants, all of which have found water of more than sufficient quality.

The Applicant's use of water from newly drilled wells will be monitored by State and Federal agencies. If treatment is deemed necessary by any of the water and sanitation district's governing agencies for any of the Applicant's wells, then

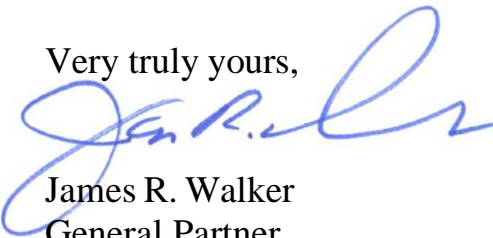
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treatment will be pursued and completed to ensure water is of sufficient quality.

In conclusion, the Applicant's appeal will not be detrimental to the health and safety and welfare of the present and future inhabitants of Douglas County. The Applicant's reuse plans have been approved after intense and diligent scrutiny by governing state agencies. The Applicant's reduced demand standards are supported by actual usage reports issued by the Town of Castle Rock and other Douglas County municipalities.

Very truly yours,



James R. Walker
General Partner,

JRW Family Limited Partnership LLLP



External Referral Comments

TO: Matt Jakubowski, Douglas County Planning
FROM: Pam Hall, Planner I Development Services Department
DATE: October 23, 2020
SUBJECT: Pine Canyon Planned Development Rezoning - Case No. ZR2020-010 [COU20-0016]

Thank you for the opportunity to review and respond to the proposed rezoning of Pine Canyon Ranch Planned Development (Case Number ZR2020-010). The application was reviewed by various Town Departments. The Town's comments and concerns outlined in this report are based on the intent, policies and requirements of the following Douglas County guidelines and regulations.

- Douglas County 2040 Comprehensive Master Plan
- Douglas County 2030 Parks, Trails and Open Space Master Plan
- Douglas County 2040 Transportation Master Plan
- Douglas County Zoning Resolution
- Douglas County Subdivision Regulations – Article 10

Please keep us informed of any changes to the proposal. Thank you.

TOWN OF CASTLE ROCK TOWN COUNCIL

ACTION TO DATE

Town Council strongly opposes the rezoning of the Pine Canyon property to a Planned Development at urban level uses and densities, as well as the associated proposals to reduce the water requirements for development, supported only by limited groundwater resources, and to create new Title 32 Districts to fund the construction, operation and maintenance of all necessary transportation and utility infrastructure. Town Council also opposes the proposed location of a wastewater treatment facility in proximity to Town water wells and intake facilities.

Town Council has acted to formalize the Town's position with unanimous approval of the following resolutions:

- Resolution No. 2020-073: Opposing the Site Application for a new wastewater treatment plant to serve the Pine Canyon Development passed, approved and adopted unanimously August 18, 2020 (**Attachment A**).
- Resolution No. 2020-094: Opposing the Pine Canyon Planned Development Rezoning passed, approved and adopted unanimously September 15, 2020 (**Attachment B**).

- Resolution No. 2020-095: Opposing the appeal to the water supply standards set forth in Section 18A of the Douglas County Zoning Resolution passed, approved and adopted unanimously September 15, 2020 (**Attachment C**).

The Applicant acknowledges the 2020 version of the Town Council's stated opposition to rezoning, and notes that the Town Council is not, and never has been, Pine Canyon's governing body.

PLANNING **SANDY VOSSLER** **(720) 733-3556**

Compliance with the DC 2040 Comprehensive Master Plan (CMP)
Section 1: Introduction

PL1. Douglas County plans for growth by focusing on growth related topics: support development of renewable water resources and conservation, encourage transportation systems that are not heavily reliant on cars, increase open space preservation, identify and protect vital view shed. This proposal does not support key objectives stated in the CMP Introduction section, specifically,

- It does not support sustainable growth as no renewable water is proposed and the existing water resources do not meet Douglas County's water supply minimum standards for the level of development planned.

The Pine Canyon Water and Sanitation District's financial structure includes a Renewable Water Fund whereby the District can identify and purchase a renewable water resource and infrastructure for that resource. The Applicant's Water Supply Plan and 18A Appeal include multiple analyses detailing the reasonableness of proposed water demand standards, including an expert opinion describing support and justifications for the proposed demands.

- The plan does not support community identified values listed in CMP; access and transportation issues remain and connection to Town roads has not be approved, no community recreation center is planned and trails shown are dependent on connection to Town or private HOA trails, residents will likely have a confused sense of community since they are surrounded by the Town boundaries and Town amenities, yet have no representation in the Town, and the water supply policies are not advanced by a project that proposes urban densities on limited ground water, no renewable water and no alternative plan to guarantee a water supply into the future.

These topics are all robustly addressed throughout the Application. Transportation comments and responses are provided, commitments for mitigation improvements are set forth in the PD. The Applicant has had many discussions with multiple transportation agencies. Connection to public roadways within the Town's transportation network is a topic which the Applicant has broached numerous times with Town staff. Unfortunately, Town staff has been unwilling to collaborate on mitigation impacts, or even to discuss them at all. The Applicant has asked Town Staff to reconsider its position. The Applicant remains willing to have those discussions. On-site trails are shown with connections to public trail systems throughout the region. Future Pine Canyon residents will be able to interface with representation at the County, just like residents of other nearby communities like the Canyons South or Silver Heights, and other Douglas County communities like Stonegate or Silver Heights. The proposed water supply is sufficient and is extended by 6 cutting-edge innovations to provide a high-quality long-term solution for the community. Details of the water supply plan are included in this Resubmittal.

- DC has historically located urban growth in northern tier of the County and not in the heart of the County. Further the Douglas County policies encourage the incorporated communities to increase their share of urban population over time.

This is a confusing, and seemingly false statement. The Canyons South development lies

DEVELOPMENT SERVICES

100 North Wilcox Street, Castle Rock, CO 80104. P: 720.733.2205 F: 720.733.2217 E: phall@crgov.com

barely a mile away from Pine Canyon and it was successful rezoned in unincorporated Douglas County.

Section 2: Urban Land Use

PL2. This development proposal does not support the following policies of the CMP Urban Land Use section, as noted,

Policy 2-1C.2: Potential environmental and visual impacts, availability of community facilities and services and compatibility with existing, adjacent or planned uses.

As noted in the cover letter to this response, this policy specifically notes that the County should “consider” these impacts at “time of subdivision or site improvement plan”. These critical timing details were omitted by Town staff to implicate a lack of compliance at the rezoning stage. The Applicant anticipates working with the County on these topics throughout future planning processes after rezoning approval.

Policy 2-2A.1-3: Moderate to high value wildlife habitat include a study and inventory of habitats, movement corridors and linkages. Provide significant open space to conserve habitats, movement corridors and linkages. Include a comprehensive trail study that considers wildlife, habitat, wetlands, and local and regional connections for all users. Studies should account for off-side conditions and impacts.

By combining these three policies into one paraphrased text block, Town staff has created a confusing comment section, the Town’s comment does not address distinct issues (habitat studies, open spaces, and trails) as individual topics. The Applicant addresses these Policies individually:

POLICY 2-2A.1

New development located in proximity to moderate to high value wildlife habitat should include a study and inventory of habitats, movement corridors, and habitat linkages.

While none of the property is identified as high value wildlife habitat, a wildlife study was conducted. The only wildlife movement corridor located on site is in the East Plum Creek corridor. This area is proposed to be preserved as the Walter J. Scott Riparian Preserve. The remainder of the property is planned with an interconnected network of trails and open spaces.

POLICY 2-2A.2

New development should support, through the provision of significant open space, the conservation of habitats, movement corridors, and habitat linkages as indicated in the study.

With over 170 acres of preserved Open Space, the Application carefully limits the impact upon wildlife habitat. The only movement corridor on the site is the East Plum Creek corridor, which the Application proposes to preserve as the Walter J. Scott Riparian Preserve. This area represents the highest concentration of wildlife habitats and only identified movement passageway on the property. The Application’s winding network of interconnected trails was designed to limit impacts upon wildlife and habitats.

POLICY 2-2A.3

Any new development should include a comprehensive trail study that considers wildlife, habitat, wetlands, and local and regional connections for all users. Studies should account for off-site conditions and impacts.

The Application features a comprehensive trail network. The Applicant seeks to connect to the existing off-site trail networks and thereby secure a robust, regional connected trail network.

DEVELOPMENT SERVICES

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- Please distinguish between On-Site Trails and Sidewalks.
Particulars of this detail will be addressed following rezoning approval.
- Significant open space has not been provided east of I-25 to conserve habitats, movement corridors and linkages. Movement corridors are primarily narrow buffers between use areas encumbered by detention ponds, flood zones, high pressure natural gas transmission line and overhead power lines, or to be used for future ROW. The Application includes over 100 acres of proposed parks and open spaces located east of I-25. The Applicant has worked with Douglas County Natural Resources and Open Space on the scope, location, and structure of proposed open spaces. “Movement corridors” are a discretely defined category of type of wildlife resource. These corridors are identified on the Douglas County Wildlife Map, and the only such corridor is within the East Plum Creek corridor which the Applicant proposes to be preserved partly due to its nature as a movement corridor. Town staff is using the term improperly and out of context.
- Except for the walkways along road ways, the majority of the trails are have been relegated to the perimeter of the PD.
- Most of the trails are within or adjacent to ROW, around the perimeter of the PD, within narrow buffer corridors between planning areas or future ROW, or within areas marked for detention. Trails should be located to take advantage of the natural topography and established vegetation on the property.
Trails proposed at the rezoning level do not include neighborhood trails which will be defined at the time subdivision or site improvement, after rezoning approval. These trails will be located within planning areas. Previous iterations of this plan included as part of Town annexation negotiations included nearly identical (but less robust) trail plans. During 10 years of annexation discussions, Town Staff never made these comments
- Where is study and inventory of habitats, movement corridors and linkages?
A natural resources assessment was included in the referral package.
- Trail crossings at Liggett Road and the UP RR should be designated as grade separated.
The trail crossing at the UP railroad is designated as grade separated throughout the PD.

Policy 2-3A.2: Trail connections to other neighborhoods.

- Connections are shown to trails within the Town that across private property or are not developed or maintained trails, but rather footpaths that have appeared over time. Where connections are possible, approval of the property owner is required. See Planning redlines.

These connections have been removed and altered so that trails are now planned onsite, rather than connecting to existing footpaths. However, Policy 2-3A.2 is much more thorough than Town Staff’s mischaracterization. It reads: “Strongly encourage multi-use trails to connect urban residential development to parks, open spaces, schools, recreational facilities, neighborhood and community activity centers, to other neighborhoods, and to a network of public trails. Ensure that amenities such as benches, tables, restrooms, and drinking fountains are provided where appropriate.” The Application’s included trail network was carefully designed to fulfill this Policy by connecting to community centers, facilities, and amenities. The Applicant detailed compliance with this Policy in the CMP Compliance document, stating: “Even at this early design state, the Application proposes Open Space corridors and trails where they are the most practical. These trails are designed to connect into

a greater regional network to ensure that residents are easily connected to any desired destination they choose. The Applicant intends to work with the County following rezoning approval to ensure that the appropriate amenities are included within the well-connected, multi-use trail network.”

Policy 2-3A.3: New recreation center or contributions to existing facilities to lessen burden on existing public facilities.

- No community recreation center is included in the PD Plan. Please show designated Planning Area for recreation center, or include in the commitments contributions to be made to improve or expand the TOCR Recreation Center.

Policy 2-3A.3 reads: “Encourage the construction of recreation centers in new residential development or contributions toward the expansion of the existing facilities, to lessen the burden on existing public facilities.” Here too Town Staff misstates the CMP Policy. Town Staff leaves off the directive: “encourage”, implying this Policy demands all new developments contribute recreation centers when it does not. Because the existing recreation center is in such close proximity, there is not a full recreation center planned at Pine Canyon. Rather, the Applicant has committed to including an outdoor fitness facility in one of the dedicated local parks as a means of providing attractive recreational alternatives for future residents. The Applicant’s CMP Compliance response to this Policy reads: “The Application includes a dedicated Outdoor Fitness Facility within the local parks system. This fitness facility will offer a free-to-use recreational experience to the public of all ages, abilities, and skills. At future stages, the Applicant intends to analyze additional appropriate locations and recreational type uses.”

Policy 2-4A.5: High quality design, compatible scale, form, color, materials and architectural character.

- Architect guidelines in the project narrative and color rendering document should be made standards and included in PD Development Plan.

Town Staff’s paraphrasing leaves out the first part of the actual Policy, which expands the Policy beyond its intent. The Policy reads: “Design neighborhood centers to reflect and enhance surrounding development by using high-quality design that considers compatible scale, form, color, materials, and other architectural characteristics.” While Neighborhood Centers are a vital part of the rezoning, they are not the entire rezoning plan. The Applicant agrees with the Policy and has included a Commitment for Design Guidelines to be developed by one or more Title 32 Metro Districts to fulfill this Policy. Development Standards have also been revised to reflect this Policy in the Resubmittal.

Policy 2-5A.1: Locate development away from environmentally and visually sensitive lands, including but not limited to primary ridges, bluffs and horizon lines.

- Planning areas overlay the highly visible ridge and mature pines to the east of I-25, the high pressure natural gas transmission line/easement and the electric transmission lines.

The Application reflects environmentally- and visually-sensitive designs. The Application’s design guidelines and character designations reflect natural resources. Primary ridges have been incorporated into the connected Open Space network. Overlot grading is prohibited and building heights are restricted in particular planning areas to appropriately respect ridgelines and view planes. While utility easements are not mentioned in this Policy, the Applicant did take special care to plan development around them at this rezoning stage. Development Standards for appropriate Planning Areas have been updated to state that building may not occur on the existing gas line easement. All electric transmission lines are located in areas not designated for development.

Policy 2-5A.4 Mitigate environmental and visual impacts on natural terrain

Although no Town staff comment is included, this is the full text of Policy 2-5A.4: “Design neighborhood centers to reflect and enhance surrounding development by using high-quality design that considers compatible scale, form, color, materials, and other architectural characteristics.” This Policy specifies that it relates to Neighborhood Centers, not the entirety of developments. The Applicant details compliance thusly: “The Application includes imagery and design intent statements that will be utilized in the creation of architectural Design Guidelines that will ensure a cohesive and desirable high-quality design for the community. Additionally, specific design standards have been included within the PD documents.”

Policy 2-5A.5: encourage compact development patterns to conserve natural resources.

- Planning Areas (PA) should be reduced and open space increased in ridgeline/forest area to conserve natural resources.

The Application reflects previous County staff comments to consolidate Open Spaces and Local Parks in the forested area. Planning areas are designed to create compact development patterns.

Policy 2.6A.2: Locate new residential development adjacent to compatible land uses.

- Please describe how noise from the I-25 and Union Pacific RR will be mitigated in PA17-19?

There seems to be a mistake in designation at this comment. Policy 2-6A.2 is about noise – specifically about high sound walls (none of which are planned). In regards to the comment, the Applicant has conducted a noise study and committed that no development will occur within the 65 DNL line. This is addressed in the Statement of Commitments and the CMP Consistency document.

Policy 2.6A.3: Locate residential development away from intensive industrial uses, including wastewater treatment plants or other land uses that pose a threat to public health and safety.

- PA 17 and 18 propose mixed use with up to 600 dwelling units and are approximately 1500 feet of the proposed wastewater treatment facility, and 500 to 1000 feet from the Union Pacific rail line. The plan should be revised to move the development further from the intensive industrial uses.

All planned residential areas are located away from intensive industrial uses in the Application. Town staff’s measurements between the planned, CDPHE-approved, wastewater reclamation facility and mixed-use planning areas are generally correct, and they show potential residential uses further away from the planned Pine Canyon Water Reclamation Facility than existing residences are from existing facilities (there are multiple homes within 500’ of the Plum Creek Water Reclamation Facility, residences within 1500’ of the Plum Creek Water Purification Facility). The proposed Pine Canyon facility will also be separated from the mixed-use areas by the Union Pacific Railroad (which is distinctly bermed to be elevated above the area where the facility is planned) and Liggett Road. Town Staff’s comment is disingenuous. Currently, Town staff is recommending final approvals of a 400-unit multi-family facility that is located approximately 1700’ from the Plum Creek Water Reclamation Facility (which is more than 10x larger than the planned Pine Canyon facility). These units are not separated by any railroads or roadways. This planned multi-family building is also just 200’ from the Burlington Northern railway.

Policy 2.6B.2: Blend existing character of existing with new developments.

- The transition area and note on the PD Plan is insufficient to achieve this policy. Lot sizes and open space tract area should meet or exceed that of any existing residential neighborhood adjacent to the property. Additionally, mature vegetation on the site should remain to allow for large, contiguous stands of trees, shrubs, etc.

The Application includes a commitment to “match or exceed the lot size within 300’ of any existing adjacent Single Family Dwelling property line along the southern property boundary”. Mature vegetation has been considered in the design of planning areas, open spaces, and is addressed in the Forest Management Plan. Additionally, certain Planning Areas include overlot grading and building height restrictions to appropriately honor natural resources.

Policy 2.16B.5: Mitigate potential land use impacts of new unincorporated development adjacent to municipalities.

- The Town continues to seek the County’s support in encouraging annexation of the PC property to the Town. Absent that the Town seeks the County’s collaboration in establishing commitments with the applicant to address and mitigate short and long term impacts to the Town.

As noted in the attached cover letter, the paraphrasing of this Policy leaves off the second half of the Policy, which reads: “Encourage municipalities to mitigate land use impacts on adjacent unincorporated Douglas County development”. Omitting this part of the Policy removes any acknowledgment of the Town’s burden to engage with the Applicant to mitigate impacts from Town land uses on Pine Canyon. The Applicant addresses this Policy in the CMP Compliance document by stating: “Pine Canyon has taken great care to understand its potential impacts with multiple studies addressing potential impacts. All impacts will be mitigated to the standards and recommendations presented in these, and any future, studies. We look forward to working with the County and municipalities to understand and mitigate impacts from adjacent communities upon Pine Canyon”.

Section 5: Community Resources

PL3. The proposed development plan does not meet the following goals, objectives and policies of the CMP Community Resources.

Goal 5-3: Promote the sustainability of special districts

While no comment was provided here by Town Staff, the Applicant responded to this Goal in the CMP Consistency document by stating: “Pine Canyon will be developed with the integral help of special districts to construct and operate cutting-edge and cost-effective facilities. Multiple reports demonstrate the sustainability of the proposed special districts.”

Objective 5-3A: Ensure special districts are financially sound.

While no comment was provided here by Town Staff, the Applicant responded to this Objective in the CMP Consistency document by stating: “All special district financial planning documents have been, and will continue to be reviewed as part of the County’s robust review process.”

Policy 5-3A.1: Require a detailed, independent evaluation of all special district financing plan.

- The Town has provided and submitted extensive comments on the Service Plans for Metropolitan Districts 1-5 and the Water and Sanitary Districts (**Attachment H**). To briefly summarize, the Town believes that the proposed bond issuance severely underestimates the scope of infrastructure, operation and maintenance necessary to support the proposed development. More realistic bond debt estimates for necessary on-site and off-site road improvements, water, wastewater and drainage infrastructure, trail and park construction, operation and maintenance, the debt obligation placed these new county residents will be considerable and the sustainability of the District is questionable.

The Applicant acknowledges Town Staff’s comment. This Policy specifically requires an independent evaluation, which was completed by Ehlers, Inc. as part of the referral process. In their evaluation, Ehlers states in their conclusion: “Ehlers believes, contrary to any additional information the County may have, there is enough evidence provided to substantiate the creation of the Metropolitan Districts. Based on our review, we believe there is existing and projected need for organized services to be provided; existing services available in the area are not sufficient to meet the current and projected needs; the proposed Plan provides an economical and sufficient service delivery to the area; and the proposed Districts will have the financial ability to discharge any obligations associated with the development”.

Objective 5-5A: Minimize impacts to the surrounding area.

- The location of the wastewater facility will impact the peaceful enjoyment of the nearby opens spaces and trails. In addition, its location and proximity upstream from a major municipal water intake has the potential to threaten the domestic water sources for Castle Rock residents.

The Applicant responded to this Objective in the CMP Consistency plan, stating: “At this time the largest utility being planned is the CDPHE-approved wastewater reclamation facility. The facility will be self-contained with limited and low impact upon the adjacent open space area. The Application reflects a location that is not close to any planned or existing residences”. The planned Pine Canyon Water Reclamation Facility will be located twice as far away from the East Plum Creek Trail (and planned internal Pine Canyon trails) than the Town’s Plum Creek Water Purification Facility is from the same trail. It will also be significantly grade separated from the trail due to the natural elevation changes of the area. The Pine Canyon facility, as approved by CDPHE’s Water Quality Control Division, will not discharge to East Plum Creek, thus it will have no impact upon Castle Rock’s water intakes.

Policy 5-5A.3 and 4: Encourage high tension power lines and electrical substations be located away from residential and visually significant areas, where feasible.

- The high power lines in the east of I-25 should be buried given the proximity to higher density single family planning areas, open space and trails.

While the Applicant is not opposed to the burial of existing power lines, that is not within the scope of the Applicant’s powers, and should be discussed with the utility provider. These lines are not buried next to existing communities within the Town, and residences are located closer to those powerlines than where any of the Planning Areas are located. The Applicant addressed this Policy in the CMP Compliance document: “The closest sub-station is approximately 1.2 miles south of the southeast corner of the Pine Canyon property. Existing powerlines parallel the southern boundary on the eastern side of the property, and the Founders Parkway frontage. The Application includes significant buffering of all such powerlines”.

Policy 5-5A.6: Provide adequate ROW or setbacks to dissipate electromagnetic fields and noise and to mitigate visual and other land use concerns.

- Such buffers and setbacks should be established in the development standards for SDF and OSP.

The Applicant responded to this Policy in the CMP Consistency documentation by stating: “The closest planning area boundary adjacent to an old power line is approximately 138 feet from the center of the powerline easement. The Applicant anticipates that the provider will replace the poles on this line in the near future, and will seek additional safety and aesthetic measures at that time. The powerlines sit approximately centered in a 75’ easement.”

Policy 5-6B.1: Require district service plans proposing fire protection to include provisions for technical rescue, emergency services, and environmental hazard response.

- The current PD Plan and District Service Plans do not indicate acceptable vehicular access to the regional riparian park for fire protection, emergency services, etc. The PD Plan should be revised to include grade separated crossings into the park that will provide emergency services access and the construction and maintenance of the crossings should be included in the bond issuance and debt service estimates.

This Policy is not applicable to the Application because fire protection is not included in any of the proposed Title 32 Metro Districts. Regarding the Town’s comment, the riparian area is no longer proposed as a regional park, and emergency access to the area already exists and will be maintained. This maintenance is noted on PD documents.

Goal 5-8: Preserve Douglas County’s cultural resources for future generations

While no comment was provided here by Town Staff, the Applicant responded to this Goal in the CMP Consistency document by stating: “The PD proposes the preservation of the East

Plum Creek corridor as the Walter J. Scott Riparian Preserve, in part to honor one of Douglas County's most prominent ranching families. As part of the Preserve, the historic ranch homestead will continue its agricultural operations."

Objective 5-8A: Support the preservation and protection of cultural resources.

While no comment was provided here by Town Staff, the Applicant responded to this Objective in the CMP Consistency document by stating: "The Applicant has secured a Cultural Resource study which analyzed the property and discovered limited areas of potential cultural significance. The study found little in the way of cultural artifacts. However, the areas that it did highlight as having potential for more discoveries will be preserved either as part of the Walter J. Scott Riparian Preserve or as open space. The only structure of cultural significance, the ranch homestead, will also be preserved."

Policy 5-8A.2: Identify and support the preservation of sites and artifacts with historic, prehistoric or cultural significance.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: "Pine Canyon strongly supports this policy. As part of the PD process, we have commissioned a Cultural Resource study which analyzed the property and discovered a few areas with low potential to have some artifacts of cultural significance. The study found little in the way of cultural artifacts. However, the areas that it did highlight as having potential for more discoveries will be preserved either as part of the Walter J. Scott Riparian Preserve or as open space. The only structure of cultural significance, the ranch homestead, will also be preserved."

Policy 5-8A.3: Encourage the incorporation of historical and cultural resources into the development plan.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: "Pine Canyon strongly supports this policy. The Application preserves the Property's agricultural legacy with the creation of the Walter J. Scott Riparian Preserve. A Cultural Resource study for the property discovered a few areas with low potential to have some artifacts of cultural significance. The areas that it did highlight as having potential for more discoveries will be preserved either as part of the Walter J. Scott Riparian Preserve or as open space. The only structure of cultural significance, the homestead, will also be preserved."

Policy 5-9A.1: Encourage land dedication for cultural facilities within urban development.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: "The PD proposes the preservation of Walter J. Scott Riparian Preserve to honor one of Douglas County's most prominent ranching families."

Policy 5-9A.2: Encourage developers to include small-scale cultural facilities such as outdoor theatres or gazebos through appropriate land use application process.

The Applicant responded to the Policy by noting specifically the small-scale amenities mentioned by stating: "Pine Canyon supports this policy, and following rezoning approvals anticipates that these small-scale cultural facilities will be integrated into local park and open space planning."

- Preservation of the Cramer Homestead as a historical and cultural resource meets these policies, generally. The applicant proposes use of the site for private events and

educational opportunities. The development plan does not identify, nor provide any commitments for vehicle access or grade separated pedestrian access to the site. Without approval from the RRs for the change of use and increased public access over the RR ROW, the preservation and use of the Cramer Homestead and surrounding open space cannot be achieved as suggested and the true intent of these policies will not be met.

As this comment details, the homestead is proposed with the possible use of *private* cultural experiences. The Applicant has an existing private crossing agreement for access to the homestead which expressly grants private crossing rights. For pedestrian access, the Application notes that the proposed internal trail system will take advantage of the existing grade separation under the Union Pacific rail line. This grade separated crossing can be used for pedestrian access to the homestead. The Applicant commits to work with Union Pacific (or any subsequent owners of this rail line) regarding improvements to this crossing in the Statement of Commitments.

Section 8: Environmental Quality – Planning and Parks

PL4. The Douglas County CMP Environmental Quality, Section 8, recognizes that as growth and development occur environmental impacts can adversely affect the quality of life in Douglas County and that protecting the environmental quality of the County is a high priority. The CMP encourages low-impact, non-urban land uses in environmental hazard areas. Uses such as agriculture or grazing, open space, parks, or certain low-intensity recreational uses are compatible because of the lack of permanent structural improvements. Limiting development in hazard areas creates dual benefits: residents are spared the expense of hazard mitigation and maintenance, while the most scenic land in the County can be preserved for open space or as land use buffer.

Douglas County has mapped environmental constraints and hazards in the County (See **Attachment D**). Class 3 hazards and environmental constraints are areas of very high to extreme threat to public safety where potential loss of property and life is significant enough to warrant avoidance of the natural conditions. Severe hazards may exist even after corrective engineering measures are taken.

This verbiage is not a Town Staff comment, it is all language taken from the CMP Section 8 Introduction. The Applicant addressed Section 8 thoroughly in the CMP Consistency documentation.

Policy 8-1A.3: Class 3 Hazard Areas should be limited to low-intensity land uses such as agriculture, grazing, open space and certain recreational uses. These uses shall not conflict with identified hazards or increase the severity of on-site or adjacent off-site conditions.
Policy 8-1A.8: Lands proposed for dedication, including all open space park, school, and ROW should have an environmental audit showing that the area is free of toxic or hazardous waste to prevent County liability for future clean up.

- Per the attached Class 3 Constraints map, a large portion of the Pine Canyon property east of I-25 is within the Rockfall-Rockslide/Debris Avalanche Area and should be restricted to low-intensity land uses as specified in Policy 8-1A.3 above. The PC development plan does not meet this CMP policy. It appears all or portions of the residential planning areas 1, 2, 4, 8, 9, 10, and the entirety of the destination resort planning area 6 are within the designated Class 3 Hazards Area. Two active parks, planning areas 5 and 7 are appropriately located in the Class 3 area.

As detailed in the response cover letter, these two comments are improperly grouped in an attempt to apply parts of the first Policy to dedicated lands specified in the second Policy. This improper grouping undermines application of the County's CMP and dilutes the strength of two important

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distinct policies. As these are two very distinct policy concerns, the Applicant treated them separately. The Applicant commissioned a full Geological Hazard Evaluation and Geotechnical Investigation, and then subsequently engaged with the Colorado Geological Survey (CGS) in order to ensure compliance with CMP Policy 8-1A.3. CGS developed the mapping and criteria upon which the County created its Class 3 hazard map. As a result of the Applicant's thorough work, CGS wrote a letter dated November 19, 2021 stating that the **"response satisfactorily addresses the mapped landslide-, debris flow-, and rockfall-susceptible areas** discussed in our previous review letters. Provided the recommendations in CTL's 8/19/2021 and 11/4/2021 reports are adhered to, **CGS has no objection to approval of the Pine Canyon PD**" (emphasis added) (copy of letter attached). Policy 8-1A.8 is addressed in the CMP Compliance document by discussing its two proper elements (environmental audits and hazardous waste): "The Applicant intends to secure environmental audits following rezoning approvals. Pine Canyon has not located hazardous waste on site".

Section 9: Wildlife

PL5. The CMP Wildlife Section 9 discusses how Douglas County accommodates the long-term needs of wildlife by creating a habitat plan based on an ecosystem model. That model uses a three tiered approach to prioritize habitat needs for wildlife. The Wildlife Resource Map in the DC CMP shows that a significant portion of the Pine Canyon property is classified as Tier 2: which contains local- or community-level areas are moderately-sized wildlife habitat areas contained within, or shaped by, development. These habitat areas and connections are prioritized at a moderate level of importance. Integral wildlife movement corridors are generally 300 feet wide.

Further the CMP states that stricter review and mitigation of development and other land uses is required of applications in, or adjacent to, important wildlife resources, including moderate or high-value wildlife habitat areas, wildlife habitat conservation areas, movement corridors and overland connections as designated on the Wildlife Resources Map.

This text is not a Town Staff comment as it is language taken directly from the CMP Section 9 Introduction. However, this text does include some editorializing by Town Staff. The Applicant believes it is important to emphasize that the definition of "Tier 2: Local" wildlife habitat quoted above states that these areas are meant to coexist with land use changes. The CMP reads: "Local- or community-level areas are moderately-sized wildlife habitat areas **contained within, or shaped by, development.**" (emphasis added). This context is key to understanding the land use changes that have occurred throughout the region around Pine Canyon, where many rezonings have occurred in areas identified by the County Wildlife Resources Map as Tier 2, and some even in areas labeled as Tier 1.

Goal 9-1: Protect and enhance wildlife habitat and movement corridors and foster wildlife conservation.

While no comment was provided here by Town Staff, the Applicant responded to this Goal in the CMP Consistency document by stating: "The Application reflects this goal. None of the property is identified as high value wildlife habitat, yet the Applicant has secured a wildlife study. The only wildlife movement corridor is in the East Plum Creek corridor, which is being preserved as the Walter J. Scott Riparian Preserve. This 60+ acre section of the land will be maintained and protected via a conservation easement which preserves its riparian nature and agricultural heritage. The easement's restrictions shall include the protection of the County's identified Wildlife Migration Corridor, the County's Riparian Conservation Zone (RCZ), threatened species habitat, cultural points of interest, and the natural,

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sensitive character of the riparian wetland landscape. The balance of the property is planned with an intricate network of trails and open spaces which will maintain existing wildlife habitats.”

Objective 9-1B: Minimize impacts to wildlife by ensuring that development and land uses are compatible with wildlife, wildlife habitat and movement corridors.

While no comment was provided here by Town Staff, the Applicant responded to this Objective in the CMP Consistency document by stating: “While none of the property is identified as high value wildlife habitat, a wildlife study was conducted for the property. The only wildlife movement corridor will be preserved as part of the Walter J. Scott Riparian Preserve which will ensure there are minimal impacts to the habitat and movement corridor.”

Policy 9-1.A3: Protect important wildlife habitat, habitat conservation areas (HCAs), movement corridors and overland connections.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: “There are no identified important habitat areas, or overland connections identified on the Pine Canyon property. The only wildlife movement corridor and habitat conservation area (the County’s Riparian Conservation Zone) is proposed to be preserved as the Walter J. Scott Riparian Preserve.”

Policy 9-1B.1: Identify important wildlife habitat, HCAs, movement corridors and overland connections as designated on the map...Identify design solutions appropriate to the scale and intensity of the proposed land use.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: “The Riparian Conservation Zone and movement corridor identified on the Wildlife Resources Map at Pine Canyon will be preserved as Open Space and will not be impacted by any land use changes.”

Policy 9-1B.3: Link wildlife habitat and movement corridors.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: “The Application reflects this policy. The only wildlife movement corridor will be preserved as part of the Walter J. Scott Riparian Preserve. The Preserve is abutted by regional open spaces and offers a continuous preserved open space wildlife movement and habitat corridor. The Applicant believe there will be little to no impact upon the wildlife habitat.”

Policy 9-1B.4: Locate development outside of important wildlife habitat and movement corridors.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: “None of the Property is identified as high value wildlife habitat, and the wildlife movement corridor will be preserved as Open Space. There are no land use changes proposed for the habitat and movement corridor.”

Policy 9-1B.5: Balance the location and design of transportation infrastructure with accommodation of wildlife habitat and movement values.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: “The major transportation infrastructure is already in place surrounding the Pine Canyon property. The Application plans additional public access points which will connect to this existing transportation infrastructure. The most substantial new transportation infrastructure will be the CDOT-sponsored Mobility Hub which will be located away from any wildlife habitat or movement corridors, on property identified as being of low habitat value.”

Policy 9-1B.6: Minimize fencing that is exclusionary or dangerous to wildlife, except where

necessary for safety, commercial or industrial uses.

This Policy is strangely paraphrased and leaves out multiple clauses. In the CMP, this Policy reads: "Minimize fencing that is exclusionary or dangerous to wildlife, except when necessary for human safety, commercial and industrial uses, protection of at-risk crops, and domestic animal containment. All other fencing should be wildlife friendly." While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: "The details of fencing will be designed as part of the future Subdivision processes, and this policy will be addressed after rezoning approval."

Policy 9-1B.8: Require noxious weed management plans and encourage Integrated Pest Management for new development.

While no comment was provided here by Town Staff, the Applicant responded to this Policy in the CMP Consistency document by stating: "Pine Canyon has worked with County staff and the Natural Resources Conservation Service to evaluate and treat noxious weeds on the property and will continue this practice. Noxious weed management plans and IPM will be incorporated into the future Subdivision design efforts."

- The majority of the Pine Canyon property is identified as Moderate Wildlife Value warranting stricter review and mitigation of development (**Attachment E**). Acknowledged. The Applicant has worked with multiple federal, state, and local agencies to understand, study, and plan for the property’s habitat resources. These efforts are ongoing. The results of these discussions, letters, and studies have been integrated into the plan. Special commitments concerning the maintenance and preservation of natural resources including habitat are included in the plan.
- The Pine Canyon moderate habitat area is connected to a larger area east of Founders Parkway, and west of Liggett Road. This is a difficult comment to understand. It seems to be detailing the CMP Wildlife Map which shows that areas within Pine Canyon are identified as of moderate habitat value, which are located adjacent to other areas identified similarly. These adjacent areas are both large developments within the Town. The Terrain development is east of Founders Parkway, and the Meadows is west of Liggett Road (areas within the Meadows are even identified as Tier 1 on this map and have been densely developed). The Town annexed these properties and approved of intensive land uses changes even though they are identified as having Moderate Habitat Value on the map.
- The proposed development plan east of I-25 does not meet the wildlife policies. Most corridors are on the periphery of the property, they are narrow and intended for trails connecting neighborhoods and buffers between neighborhoods. With the possible exception of the east/west drainage channel, none of the corridors approach a width of 300 feet. The Applicant does not believe the CMP includes any verbiage regarding the location of open spaces. A "movement corridor" is a specifically defined area in the CMP, and these corridors are identified on the map. The only Movement Corridor at Pine Canyon is in the preserved open space area around the East Plum Creek corridor. The widths and specific design of open spaces will be addressed after rezoning approval
- Urban level densities and primary roadways are planned throughout the entire moderate wildlife resource area. Acknowledged. This is consistent with the entirety of the community around Pine Canyon, including multiple communities which have been rezoned within the Town.
- Areas of protected wildlife habitat should be identified on the PD plan and removed from

development planning areas, corridors should be widened and more evenly distributed through the property rather than on the periphery, densities in the moderate area should be significantly reduced, development standards should require wildlife-friendly fencing in moderate area, and control of noxious weeds.

Despite being combined into one comment, these comments are addressed separately:

- The only protected wildlife habitat identified as part of the CMP is identified in the PD, and will be preserved as the Walter J. Scott Riparian Preserve.
- The specific designs of all planning areas, including open spaces, will occur during future planning processes after rezoning approval.
- Planning Area densities mirror the adjacent community densities.
- Fencing standards will be addressed at future planning processes after rezoning approval.

Compliance with Douglas County Zoning Resolution Section 15: PD Districts

PL6. The proposed PD plan, zoning and development standards do not comply with the PD District intent and standards for approval as outlined below. Also see **Attachment F**.

Town Staff's comment is acknowledged. Zoning Resolution Intent and Approval Criteria are both addressed in a point by point manner in the Plan Summary document within this Resubmittal. Those responses are restated here.

1501 Intent: Development in a PD district should be designed to:

1) Ensure that provision is made for ample open space.

The PD proposes 173 acres, a third of the property, for dedicated Open Space and Park uses. These uses are appropriately located and spaced to. Approximately 72 acres of Open Space and Park uses are west of I-25, and nearly 110 Open Space and Park acres are east of I-25. The design and locations of open spaces and park areas were carefully chosen to harmonize with existing regional recreational systems. A comprehensive, integrated trail system connects the parks and open space network.

2) Ensure that environmentally and visually sensitive areas are preserved.

Pine Canyon commissioned environmental and cultural studies. There are two major environmental and visually sensitive areas: The East Plum Creek riparian corridor which will be preserved as the Walter J. Scott Riparian Preserve. A significant portion of the forested areas on the east side of the property has been incorporated into two local parks, and the network of open spaces and trails. Development standards, overlot grading and building height limits, and a Forest Management Plan have all been crafted to maintain and preserve Pine Canyon's natural beauty and vitality.

3) Promote layout, design, and construction of residential development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area.

This PD includes Development Standards and commits to the creation of Design Guidelines to reflect natural land and environmental conditions. Certain planning areas limit building heights and the use of overlot grading. The PD includes commitments to match or exceed the lot size within 300' of any existing property along the southern property line.

4) Provide or be located in proximity to employment and activity centers such as shopping, recreational, and community centers, health care facilities, and public transit.

Pine Canyon proposes a new employment and activity center on site, with 600,000 square feet of planned Business and Commercial uses. The property is also ideally located in close proximity to existing employment and activity centers. It is less than 2 miles to the Castle Rock Adventist Hospital and the Castle Rock Outlets. Pine Canyon is located less than 1.5 miles to downtown Castle Rock, less than 10 miles to downtown Parker, and less, the Denver Tech Center is

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approximately 12 miles north. The proposal includes a CDOT-sponsored Mobility Hub which will provide multimodal transportation options, including much needed public transit connections, for the entire region.

5) Ensure the adequacy of public facilities to accommodate population growth.

Major public facilities are planned. These facilities include innovative water and sewer infrastructure, transportation improvements including multiple new public roadway connections to the existing network and a CDOT-sponsored Mobility Hub, an elementary school, an outdoor fitness facility, and over 170 acres of parks and open spaces. The property is also closely located existing public facilities.

6) Promote balanced developments of mixed housing types.

Pine Canyon plans to provide a wide range of housing opportunities. These opportunities range from custom homes sites to areas more suited for move-up or second move-up homes to areas that could include more modest detached and attached single family homes. Planning also includes areas of Multi-Family uses which provide a healthy mix of housing types.

7) Encourage the provision of dwellings with a range of affordability and

A wide range of planned housing opportunities allows for a wide range of affordability at Pine Canyon.

8) Otherwise implement the stated purpose and intent of this Resolution and the Douglas County Comprehensive Master Plan.

This document details compliance with the purpose and intent of the Zoning Resolution, and the Rezoning documentation includes a section detailing how the proposal complies with the 2040 Douglas County Comprehensive Master Plan.

- The open space provided east of I-25 is fragmented, encumbered by drainage ponds, overhead power transmission lines, narrow corridors that accomplish buffers between neighborhoods, but offer little in terms wildlife corridors, public access and enjoyment of the natural resources on the property. The open space designated west of I-25 is encumbered by floodplain, contains the presumed location of the wastewater treatment facility and currently has restricted access over railroad ROW.
The applicant has worked with multiple departments at Douglas County on the location and nature of planned open spaces. Open spaces east of I-25 reflect adjacent communities' open spaces, including their locations and relationship to easements. Open space west of I-25 mirrors Town owned open space. The Pine Canyon Water Reclamation Facility is located within its own planning area adjacent to open space. This is the exact planning nature of the Town's Plum Creek Water Purification Facility and the Plum Creek Water Reclamation Authority's facility. Access will be identical in nature to the adjacent Town owned open space.
- Visually and environmentally sensitive areas east of I-25 located contain Class 3 hazard and moderate wildlife habitat are not protected, but rather within the planning areas zoned for low to moderate density single family detached, attached, duplex, tri-plex, four-plex, and townhome residential development, as well as the commercial hotel/spa complex with density equivalent to multi-family units.
Areas identified on the Class 3 Hazard Map have been studied and discussed with the Colorado Geology Survey. CGS found any concerns to be "satisfactorily addressed" and has "no objection to the approval of the Pine Canyon PD".
- The adequacy of public facilities to accommodate the development and population growth has not been demonstrated. Access to Town ROW has not been established, the water supply is wholly dependent on groundwater, contrary to Douglas County's goal of developing renewable water resources to support new development. Trails are largely dependent on connection to Town trail systems or private HOA paths. No community recreation facilities are planned on the PD leaving future residents to depend on Town

facilities at higher fees, if available, creation of small private water and wastewater treatment facilities is counter to the State objective of consolidating facilities, and places an unnecessary financial burden on the future Pine Canyon residents.

All of these comments are addressed in great detail throughout the PD and this Response Resubmittal. Those details are summarized here:

- The Applicant has approached the Town multiple times to negotiate access to public roads and the Town has been unwilling to discuss any terms to which they would agree. The Applicant will continue to seek that access despite Town Staff's arbitrary and capricious stance.
 - The financial plan of the Pine Canyon Water and Sanitation District includes a Renewable Water Fund which will finance the identification and purchase of a renewable water resource to supplement Pine Canyon's water supply
 - Trails specifically connect to the regional network to give residents options as they explore the greater area, and to fulfill CMP policies.
 - The PD includes an outdoor fitness facility for future residents to use, and future recreational amenities will be designed after rezoning approval.
 - The Colorado Department of Public Health and Environment's Water Quality Control Division approved of the Pine Canyon Water Reclamation Facility. Part of the Division's decision was recognition that consolidation to existing facilities is not feasible.
- The Castle Rock Fire District has not provided confirmation of capacity to provide fire protection, given the limitations on the water supply. See Fire Comments. The Castle Rock Fire Department comments are addressed in a separate response letter.

Section 25: Rezoning

PL7. The Pine Canyon PD rezoning proposal does not comply with the standards of approval of a rezoning application based on the following observations:

2502 Standards for Approval: The Douglas County Planning Commission and Board of County Commissioners consider the following criteria in all rezoning applications.

These standards are addressed in the Plan Summary, and the responses are restated here.

2502.01: Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan.

This summary details compliance with this Resolution. Douglas County Comprehensive Master Plan compliance is addressed in a separate, enclosed section

2502.02: Whether the application is in compliance with all applicable statutory provisions.

The Application has been through multiple rounds of review to ensure its compliance with all applicable statutory provisions.

2502.03: Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned.

There have been many significant changes to the character of the surrounding property. Pine Canyon is one-third of an original ranch; the adjacent property to the south that is now the Woodlands and Escavera communities, and Douglas County High School, was another third of the original property. The Terrain community across Founders Parkway to the east is a newly developed community neighboring Pine Canyon. On the west side of I-25, self-storage and other light industrial uses have been built on both the north and south of the property. A portion of the Meadows community has been

built to the west of Pine Canyon. All of these uses are substantial changes in the character of the neighborhood.

2502.04: Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

The Application has been carefully reviewed by multiple federal, state, and local agencies throughout the planning process. Many community services will be provided by the community itself (via metro districts or HOAs). Detailed reports and approvals are included in the Application attesting to the viability of proposed facilities and services. Other services, such as emergency services and educational facilities, will be coordinated with existing legally obligated providers.

2502.05: Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development.

The Application includes a detailed Traffic Impact Study. The study includes an in-depth analysis of the regional roadway infrastructure network and thorough recommendations for impact mitigation improvements to ensure the required roadway capacity and appropriate levels of service are provided.

2502.06: Whether the application is in conformance with Section 18A, Water Supply Overlay District, herein; (Amended 5/26/15)

A Section 18A appeal is included with the Application.

2502.07: Whether the proposed rezoning is compatible with the surrounding land uses.

All planned land uses and densities mirror existing adjacent land uses. Planning areas include transition buffering to create contiguous uses between Pine Canyon and its neighbors. Development Standards include setbacks, building separation requirements, maximum densities, and other restrictions that ensure compatibility. Commitments regarding overlot grading and building height limitations for particular planning areas protect the natural resources of the Property.

2502.08: Whether the subject land is suitable for the intended use.

Pine Canyon is intended to be developed in a manner similar to adjacent properties., Land uses and densities mirror existing, adjacent communities. The property to the south has similar natural character and environment. The edge of the property adjacent to Founders Parkway is proposed to be follow a similar development pattern to the neighboring Terrain community. On the west side of I-25, self-storage and other Light Industrial type uses have been developed on the gently sloping property, which is consistent with the proposed land uses.

- As previously noted, the proposal is not in compliance with key requirements of the CMP and the Zoning Resolution.
The Applicant acknowledges, but disagrees with this comment.
- There has not been a substantial change in the character of the property since it was last zoned.
This comment exhibits a bizarre misinterpretation of the criteria. Criteria 2502.03 clearly asks “Whether there has been a substantial change in the character of the *neighborhood*”, not the character of the *property*. While Pine Canyon itself has continued its uses for many years, the area surrounding the property has changed dramatically.
- The Pine Canyon PD Zoning application has not demonstrated that public facilities and

services necessary to accommodate the proposed development will be available concurrent with the impacts of the development, as is demonstrated by the Town's analysis and comments contained in these referral comments, as well as the referral comments provided on the Water Appeal application (submitted under separate cover), Water and Sanitary District Service Plan, Metropolitan Districts 1-5 Service Plans and the Wastewater Treatment Site Application submitted to CDPHE (**Attachments G-I**). Town Staff's analysis has been addressed in this response letter, and in responses to the Water Appeal applicant. Metropolitan District Service Plan comments will be responded to when the service plans are re-submitted. Ehlers, Inc. independently analyzed the Metropolitan District Service Plans, and concluded: "*there is existing and projected need for organized services to be provided; existing services available in the area are not sufficient to meet the current and projected needs; the proposed Plan provides an economical and sufficient service delivery to the area*". CDPHE took Town Staff's comments into consideration when weighing their Site Application decision, and subsequently approved the Site Application.

- The traffic impact analysis submitted to date significantly underestimates the traffic volumes and impacts associated with the proposal. Town analysis concludes substantial off-site improvements are necessary to mitigate the impact to Town and State roadways. Connections to Town ROW as proposed in the development plan has not been approved.
Town Staff comments regarding the Traffic Impact Study are addressed in the included comment and response letters.
- Castle Rock Water has reviewed and commented on the Water Supply per conformance with Section 18A. See Castle Rock Water comments contained herein, as well as Attachments D-G.
Water supply comments are addressed below or in the separate response letter to Castle Rock Water's comment letter which is included with the Water Appeal documentation.
- Please see **Attachment F** for specific comments on compatibility with surrounding uses and suitability for intended uses.
Attachment F is the Town's PD redline comments. The PD document has been updated and revised to reflect County comments.

Compliance with Douglas County Subdivision Regulations – Article 10 Dedication Standards 1003 Parks:

PL8. The Douglas County Subdivision Regulations state that land dedicated for active and specialized recreation needs to be suitable for active play areas and trails, or to preserve unique landforms or natural areas. The Board of County Commissioners may also require additional open land dedication to preserve areas of special countywide significance. Based on the standard formulas for land dedication, the inaccessibility of the proposed riparian park, and development encroachment into the heavily wooded, environmentally sensitive and highly visible urban forest, the proposed development plan does not comply with the Douglas County dedication criteria, as briefly summarized below. Based on the size of the parks shown on the PD Plan, all parks are local and none community parks, which shall be a minimum of 20 acres, therefore the comments are focused on local park standards.

Given the density of the proposal development however, the Town would ask that the County require a community park and recreation center to be developed east of the interstate to mitigate expected impacts to existing Town facilities. Per the County standards, the community park shall be a minimum of 20 acres and be accessible to residents living within a 2 mile radius

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1003.01: Formulas and Standards

Local Park = Dwelling units x 0.015 acres/unit

- The Pine Canyon plan proposes 22.9 acres for neighborhood parks and the criteria requires a minimum of 27 acres. All of the neighborhood park land is located east of Interstate 25 with as many as 600 dwelling units planned west of the interstate. The Town's calculations are incorrect. 29.4 acres of park land are required for the project, and 32 acres are proposed for dedication.

1003.11 Selection Criteria

- The subdivision regulations require that neighborhood parks be accessible to residents living within a ¼ to ½ mile radius. In addition, land to be dedicated for a neighborhood park shall be a minimum of 5 acres, PA-15 immediately adjacent to 225 multi-family units and the undersized school site (describe further in these comments) is only 3.6 acres. PA-15 is located adjacent to the school site, as the Town notes. Because of this location, it qualifies for section 1003.11.1(6), which reads: "Where feasible, a local park site may be considered for co-locating with an elementary or middle school site in order to benefit from shared facilities such as parking lots, access roads, play fields, etc., thereby reducing the overall acreage requirement by a factor equal to those shared facilities".
- Land to be dedicated for a neighborhood park shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area, however the two larger park sites (PA5 and PA7) have significant elevation changes and are in the most heavily vegetated area of the property (**Attachment J**). PA-5 and PA-7 have sufficient space for active recreational improvements and include some of the natural resources that make Pine Canyon special. These park areas have been designed to give residents the ability to recreate outdoor in the wonderful natural setting that Pine Canyon provides. Attachment J is taken from the Applicant's Natural Resources Assessment and only shows that there are Ponderosa Pines and Gambel Oak in the areas where PA-5 and PA-7 are planned. It does not delineate between the two types of vegetation. The map also does not inventory how heavily an area is vegetated or how healthy that vegetative cover actually is.
- The area of Class 3 Rockfall-Rockslide/Debris Avalanche should be overlaid on PA5 and PA7 to determine if the location complies with the requirement that park land exclude topographic or hazardous obstructions that would preclude development as a local park. The Colorado Geologic Survey concluded in their November 19, 2021 letter that the Applicant's "response satisfactorily addresses the mapped landslide-, debris flow-, and rockfall-susceptible areas discussed in our previous review letters. Provided the recommendations in CTL's 8/19/2021 and 11/4/2021 reports are adhered to, CGS has no objection to approval of the Pine Canyon PD".

Regional Park = Dwelling units x .030 acres/unit

- The proposed PD dedicates PA-21, 61.9 acres, as a Regional Park proposed for active and passive uses, trails disk golf, seating areas, picnic areas wildlife viewing, as well as detention. This appears to meet the land dedication minimum requirement of 54 acres, however the acreage required for the Water/Wastewater facility should be deducted from the Regional Park total and identified as a separate planning area. As an aside, please clarify whether the location of the water treatment and wastewater treatment facilities are actually intended to be at the same location, and identify on the PD plan the location of any storage tanks. Multiple discussions with County Staff have resolved in the conclusion that the County

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is not requesting a Regional Park at Pine Canyon. The PD and all associated documents have been updated to reflect that this area is no longer proposed as a Regional Park.

1003.11.2 Selection Criteria

- Land to be dedicated for a regional park shall be a minimum of 50 acres and be accessible to residents living within a 5 to 7 mile radius. Once the treatment facilities are removed from the regional park acreage the standard of 50 acres, or 54 acres per the formula calculation can be verified. In addition, the extensive area of floodplain and Preble's Mouse habitat should be taken into the acreage consideration, and deducted accordingly as those areas would not be acceptable for the active use concepts defined in the PD.
- The regional park does not meet accessibility requirements. The only access planned is by trail or the existing access to PA20, the existing house. Prior to approval of the PD Plan, grade separated vehicular crossings should be located on the plan and detailed in the development obligations of the developer. The active uses proposed in the Walter J Scott Riparian Park will draw school busses, cars, etc., assuming at grade pedestrian crossing of Liggett Road and the railroad is a public safety hazard, and precludes emergency vehicle access. If improved at grade crossing are proposed, approval by the Town and the railroad is required, and should be established prior to PD approval.
- Area to be dedicated shall offer natural and scenic quality and can support both active and passive recreational activities for all Douglas County residents. This standard would be met with the Regional Park dedication, however as noted above, accessibility is restricted.
- Land to be dedicated shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area. Acreage encumbered by the wastewater treatment facility, detention, floodplain and Preble's mouse habitat, as well as the vegetated riparian corridor and wildlife habitat should be excluded from consideration when assessing the sufficiency of flat surfaces for active recreation areas and necessary access and parking.
- To further support the need for a more accurate calculation of acreage dedicated to meet the Regional park requirements, the County criteria specifies that land will not be considered for regional park land dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a regional park.

Multiple discussions with County Staff have resolved in the conclusion that the County is not requesting a Regional Park at Pine Canyon. The PD and all associated documents have been updated to reflect that this area is no longer proposed as a Regional Park.

1003.02: Additional Park Dedication

- The County may require an additional 3% Park dedication based on non-residential development within the PD. Based on the areas of proposed mixed use (PA16, 17, 18, and 19) additional park acreage should be provided.

This additional 3% is included in the park dedications. There are 80.6 acres of proposed non-residential uses which yield 2.418 additional required acres.

1003.11.5: Open Land

- The subdivision regulations allow that land may be required in addition to park land

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dedication requirements, if the area serves one or more of the following functions:

- 1) To identify or separate municipalities, communities or subdivisions or to provide expansive visual relief from development;
- 2) To buffer or provide transitions between different land uses;
- 3) To preserve or protect:
 - a) Scenic areas including vistas along highway corridors
 - b) Fish and wildlife habitats
 - c) Prominent landforms and landmarks
 - d) Outdoor recreation areas
 - e) Cultural, historic and archaeological areas
 - f) Unique vegetative areas
 - g) Critical ecosystems
 - h) Floodplains and riparian areas (land adjacent to water ways)
 - i) Aquifer recharge area
 - j) Surface water
 - k) Watershed areas

The Pine Canyon proposal should be required to dedicate as open space, as defined in **1003.12.5**, sufficient acreage to separate and clearly identify the development from the adjacent Town of Castle Rock and established Town subdivisions. The plan should be revised to preserve and protect as open space the areas recognized as wildlife habitats (**Attachment E**), prominent landforms (**Attachment D**), unique vegetation (**Attachment J**), critical ecosystems (**Attachment E**), floodplains, riparian areas and land adjacent to waterways (see sheet 11 of Pine Canyon Planned Development Plan), and areas designated by the Town for aquifer recharge and watershed protection.

The definition of Open Lands in 1003.12.5 reads: “open lands are vast areas of land without visible evidence of residential, commercial, or industrial development. These areas are generally left in a natural state. Generally, the benefit of open land extends beyond the immediate area or parcel of land.” There are not “vast areas of land without evidence of residential” development adjacent to Town subdivisions precisely because of the presence of those subdivisions. The only section of Pine Canyon that could be considered to fit this definition is the proposed Walter J. Scott Riparian Park. The Applicant is open to this consideration if the County sees it fit.

1003.12.3: Local Trails

- The subdivision regulations requires that a local trail be located within the development or immediate community and serves the purpose of providing the residents of the community with a link to local parks, schools and other activity areas, regional parks, regional trails, regional open land, and historical sites. The Pine Canyon trail plan assumes connections to Town trails or private HOA trails in order to complete circulation within the PD or achieve at grade or grade separated crossings. The Pine Canyon trail systems must provide necessary circulations and crossings within the PD and may connect to trails beyond the PD with the approval and coordination of the appropriate entity. To date, that coordination has not occurred and approvals have not been made. [All planned trail alignments have been updated and are now located within the development.](#)

1004: Schools

- The subdivision regulations specify the formula for calculation of the minimum amount of land to be dedicated to meet the needs generated by the development, as well as the minimum acreage required per school grade levels. Based on the referral comments

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provided by Douglas County School District, the proposed 12 acre school dedication does not comply with 22.5 acres required by the District. To circle back around to the local park comment section, the 3.5 acre park proposed adjacent to the school site is also below the minimum 5 acre requirement that may have been acceptable if sufficient acreage was dedicated for the school site. Both the park and school site need to be enlarged to meet the needs of the District and residents.

The Application includes a combination of a dedicated elementary school site and cash-in-lieu to accommodate the expected student generation. The School District's letter includes calculations that are inconsistent with Town Staff's separate calculations, as the School District only calculated 20.65 acres. The student generation numbers require an elementary school site, which is defined as having a minimum acreage of 10 acres. The selected 12.7 acres represent a substantial future elementary school site. The Applicant, as memorialized in the PD, commits to cash-in-lieu on top of the land dedication to meet the School District's dedication requirements. Neither the park or school dedication sections of the Subdivision Resolution mention specific acreage requirements necessary to fulfill the acreage deduction detailed in Section 1003.11.1(6).

CASTLE ROCK WATER/DRAINAGE

TINA CLOSE

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1503.01 Compliance with the CMP

Section 2 General Urban Land Use: Objective 2-3A: Goal 2-5: Policy 2-5A.4

- The site is impacted by major and minor drainageways. Major drainageways are defined as having tributary area greater than 130 acres. Some of these tributaries are within FEMA designated special flood hazard areas. These are stream tributaries to Plum Creek. Development will impose significant impacts to downstream floodplains within the Town including East Plum Creek and its tributaries due to adverse hydrologic impacts from urbanization. These changes adversely degrade downstream stream systems threatening property, public safety and water quality. Downstream channel stabilization may be required due to point discharge of the outfalls of proposed full spectrum and water quality ponds. Development will impose significant impacts to downstream drainageways, and floodplains within the Town.

[Responses to this comment are included in the attached "Response to Drainage Comments" letter from CORE Consultants.](#)

- D1. The site is impacted by major and minor drainageways. Downstream channel stabilization may be required due to point discharge of the outfalls of proposed full spectrum and water quality ponds. Drainage reports will need to address and verify no impacts to the drainageways, or to the downstream properties and existing storm infrastructure within the Town of Castle Rock. The drainage reports must also verify no impacts due to flow diversions and increase of flow due to higher density land use.

[Responses to this comment are included in the attached "Response to Drainage Comments" letter from CORE Consultants.](#)

FLOODPLAIN

DAVID VAN DELLEN

(720) 733-6029

1801 Controlling the alterations of natural floodplains, stream channels and natural protective barriers

1801 Protect the hydraulic characteristics of the drainageways and maintain storage capacity

Section 3 Non-Urban Land Use: Goal 3-2: Policy 3-2B.3

- Slope analysis shown on the Pine Canyons plans have slopes in excess of 25%. Development will require major grading in these areas which will require the natural

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drainage channel to be redesigned or relocated, therefore changing the characteristics of the natural channel. Stream stabilization measures must be implemented.
[Responses to all of the comments in this section are included in the attached "Response to Drainage Comments" letter from CORE Consultants.](#)

Section 8 Environmental Quality: Flooding: Goal 8-2: Objective 8-2B

- There are major and minor drainageways that will not be within open space per the Pine Canyon Plans PA 1, PA-10, PA-11, PA-12, PA-13 and PA14. These drainageways will require stream stabilization measures, and may require to be relocated.
- FD1. Property encompasses major drainageways as defined by Town criteria as having tributary areas greater than 130 acres. Ensure stream stabilization measures are implemented. Refer to Town's drainageway master plans for required improvements.
- FD2. Development will impose significant impacts to downstream floodplains within the Town including East Plum Creek and its tributaries due to adverse hydrologic impacts from urbanization. These changes adversely degrade downstream stream systems threatening property, public safety and water quality. Appropriate impact fees and/or improvements should apply to mitigate for such impacts as per Town of Castle Rock code.
- FD3. Ensure portions of East Plum Creek within project limits follows recommendations of the East Plum Creek Watershed Master Plan as adopted by the Town of Castle Rock.
- FD4. Portions of the property are within FEMA designated floodplains. Town of Castle Rock Floodplain Development Permits may apply,
[Responses to all of the comments in this section are included in the attached "Response to Drainage Comments" letter from CORE Consultants.](#)

CASTLE ROCK WATER/SAN **JEANNE STEVENS** **(720) 733-6033**

1503.01 Compliance with the Douglas County Comprehensive Master Plan (the CMP)

- The project is not in compliance with the CMP.
[The Applicant acknowledges, but strongly disagrees with this erroneous assertion.](#)

Goal 2-1: Improve and enhance existing infrastructure

Policy 2-1A.1: Limit urban development to the municipal planning area

- The plan does not direct the applicant to develop within the designated municipal planning area of the Town of Castle Rock. It is disingenuous to say it, Pine Canyon, is located within the MPA of Castle Rock when none of the required services (water/wastewater/fire protection/traffic management) are being provided by Castle Rock. They are in essence proposing a planning area within an existing planning since services will not be from one entity.

[This Policy is misquoted in a way which severely undermines its intent. The Policy actually reads: "Limit and direct urban development to the Primary Urban Area \(PUA\), Separated Urban Areas \(SUAs\), Chatfield Urban Area, and Municipal Planning Areas \(MPAs\) depicted on the CMP Land Use Map." By misquoting the Policy in this way, CRW staff gives the false impression that the CMP directs rezonings which include "urban development" to only occur in MPAs. This comment also fails to understand the nature of the County's designated "Urban Areas". The Policy does not mandate, despite CRW staff's claim, that urban development be limited to a municipality. Rather, the Policy directs that "urban development", as defined in the Introduction to Section 2 of the CMP \("*Urban development is generally characterized by residential uses at a gross density greater than one dwelling unit per 2.5 acres, although densities of a particular development within an urban area may be lower. Commercial, business, and industrial zoning, including uses within a planned development that are of a similar scale and character, are also considered to be urban.*"\), occur within the boundaries of the mapped](#)

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Urban Areas. It is not unique for a property which exists in a Municipal Planning Area to be rezoned in the County – Stonegate is an example of this in the Parker MPA, and Silver Heights is an example within Castle Rock’s own MPA.

- The plan fails to provide for adequate renewable water supply to meet the projected buildout and demand.

The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement the Applicant’s water supply.

Policy 2-6A.3 Locate residential development away from intensive industrial uses...including wastewater treatment plants

- The proposed development, as planned, requires a new wastewater treatment plant, whereas the current Plum Creek Water Reclamation Authority facility has capacity, and was planned to include capacity for the Pine Canyon development. There is no need for a second wastewater plant except for the developer choosing not to annex and develop within the designated municipal planning area, the Town of Castle Rock.

When CDPHE’s Water Quality Control Division reviewed the Applicant’s wastewater treatment facility Site Application, it weighed consolidation with the Plum Creek Water Reclamation Authority’s current facility and found consolidation infeasible. Policy 2-6A.3 refers to siting residential development away from intensive industrial uses. As detailed above in the response to the Planning department’s comment regarding this Policy, the Town is currently in the final stages of approving a 400 unit senior living facility 1500’ away from the existing PCWRA facility, which is 10 times larger than the proposed, CDPHE-approved, Pine Canyon facility.

Goal 2-2

- The project does not support environmental systems by requiring a second wastewater treatment facility when the Plum Creek Water Reclamation Authority Facility has sufficient capacity to serve the wastewater needs of Pine Canyon. Secondly, they are proposing a water plan based on 100% use of non-renewable groundwater resources. Goal 2-2 of the CMP reads: “Support environmental systems comprised of water, wildlife, wildlife habitat, recreation and sense of place.” This Goal, and the Section of the CMP in which it resides, are more focused on land uses and their relation to the natural environment. Town Staff focused on the proposed water reclamation facility in this comment. When CDPHE’s Water Quality Control Division reviewed the Applicant’s wastewater treatment facility Site Application, it weighed consolidation with the Plum Creek Water Reclamation Authority’s current facility and found consolidation infeasible. The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement and to further extend the Applicant’s water supply.

Goal 2-8: Conserve Resources

- The water use plan is a non-sustainable plan that relies on 100% non-renewable groundwater. The proposed water use plan is a highly aggressive plan and the claim that it will leave more than 50% of Pine Canyon’s water in the ground is suspect. While Town Staff’s suspicion is acknowledged, the Applicant’s Water Supply Plan has been analyzed and vetted by independent experts and found to be reasonable and attainable. The Water Supply Plan was also reviewed by CDPHE as part of the Land

Applicant Management Plan approval. The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement and to further extend the Applicant's water supply.

Goal 2-9: Ensure development occurs concurrently with essential services and infrastructure.

Objective 2-9A: encourage urban development in areas with existing and planned capacity in services and infrastructure

- The planned development creates a separate and duplicate system of infrastructure within the limits of the Town of Castle Rock Municipal Planning Area that is not required to support urban development. Castle Rock has always included the Pine Canyon area in its master planning efforts, to include water supply forecasting, water treatment, storage and distribution, and wastewater treatment, and stormwater management. As such, if allowed, the planned development will benefit from current transportation infrastructure and future improvements, but will not be contributing to the cost burden. Additionally, the community will not have a voice in local planning or community issues that have the potential to directly affect them.

The Applicant fulfills this Objective, as it is development planned in an “area with existing and planned capacity in services and infrastructure”. Pine Canyon will utilize some of the existing services, such as the Douglas County Sheriff and the Castle Rock Fire Protection District, and will create its own where necessary. The necessity of Pine Canyon's own services is attested to in Ehlers, Inc's financial analysis which concluded that “we believe there is existing and projected need for organized services to be provided; existing services available in the area are not sufficient to meet the current and projected needs”. The Applicant has proposed numerous impact mitigation improvements in multiple categories, including transportation infrastructure. Similar to other communities throughout Douglas County, future residents will have input at their own local planning and community issues at the District level and at the wider County level.

Goal 2-16: Encourage coordinated comprehensive master plans between the County and municipalities

Policy 2-16B.1 Support the annexation of existing, unincorporated planned developments within the MPAs

- Allowing the development as planned is not consistent with the stated goal or policy. Castle Rock Water has planned for the development of the Pine Canyon area within its municipal planning area with the expectations that services would be from the Town. This Policy relates to existing, unincorporated planned developments. Pine Canyon is a new planned development. The Applicant anticipates interfacing often with the County and the Town throughout the lifespan of this highly desirable project.

Policy 2-16B.4

- The proposed plan does not support annexation of a total community into a municipality to give residents a greater say in land use issues. The proposed plan is inconsistent with the stated policy.

This comment strangely leaves the actual CMP Policy unquoted, and only addresses the first sentence of the actual policy. Policy 2-16B.4 reads in its entirety: “Support annexation of a total community into a municipality to give residents a greater say in land use issues affecting their community. **Annexations of only commercial development, leaving the residential component under County jurisdiction, are inconsistent with this Plan**” (emphasis added). As can be plainly seen when the whole Policy is presented, the County's intent with this Policy is to ensure that communities are treated as a whole, and that planned residential areas are not separated from planned commercial areas. The Applicant responded to this Policy in the CMP Consistency

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document by saying: “Pine Canyon is not requesting annexation. While annexations of just commercially planned areas have been proposed and accomplished by the Town in the past, Pine Canyon did not consider this path. Pine Canyon’s Application proposes a whole, complete community with a remarkable mixture of residential, commercial, and recreational uses in which residents can live, work, and play.”

Goal 5-1 Ensure the provision of adequate community resources in an efficient and cost effective manner

Policy 5-1B.2

- The proposed plan does not encourage multipurpose use of services to promote efficiencies; for example, they propose a new wastewater treatment plan within the service area of the Town of Castle Rock when the existing water reclamation authority has existing treatment capacity to serve the needs of Pine Canyon. This Policy states: “Encourage multi-purpose use of public lands, facilities, or services to promote efficiencies.” The Application is designed to include multiple land uses which maximize efficiencies. Town Staff’s comment focuses only on the proposed water reclamation facility. Consolidation to the existing facility was weighed by CDPHE’s Water Quality Control Division in their analysis and was found infeasible.

Goal 5-5 Other Utilities

Objective 5-5A

- The proposed largest utility, the wastewater treatment plant, is a redundant facility within the Town’s boundary. Existing capacity is available at the Plum Creek Water Reclamation Authority. Objective 5-5A states: “Minimize impacts to the surrounding area.” As a response, the Applicant stated “At this time the largest utility being planned is the wastewater reclamation facility. The facility will be self-contained with limited and low impact upon the adjacent open space area. The Application reflects an approved site location that is not close to any planned or existing residences” in the CMP Consistency document. The claim that PCWRA has capacity for Pine Canyon is questionable, as PCWRA recently noted in a filed pleading to CDPHE that its “discharge permit has been in administrative extension since November 2017” and is “still awaiting discharge permit approval for the additional flow and load to the facility”. PCWRA believes “that it could exceed the organic design capacity in the discharge permit in 3-5 years”.

Goal 5-6: Provide quality emergency services to County resident in the most efficient and cost-effective manner possible

Policy 5-6B.2: Require new developments to be served by a fire district with adequate fire protection facilities, equipment and service capabilities, unless determined impractical

- Pine Canyon will be served by the Town of Castle Rock Fire Department. Castle Rock Water works closely with the TCR Fire Department to ensure the integrity of the system and adequacy of the distribution system to meet fire flow demands. Pine Canyon must ensure the adequacy of its duplicate and redundant water distribution system to provide the same level of service. The Pine Canyon community again will benefit from town services but without the fiscal obligation to support such services. The Applicant anticipates that its Water and Sanitation District will provide sufficient fire flows for the developments fire protection. Town Staff’s claim that Pine Canyon will have no fiscal obligation to support fire protection services is incorrect. Pine Canyon is, and always has been, in the service are of the Castle Rock Fire Protection District. In 2009, the Fire Protection District and the Town of Castle Rock entered into an IGA which

thoroughly details financial actions the District and Town can take to ensure that adequate services are provided to properties in the District's service area.

Goal 7-1 Prolong the Life of Water Resources

Policy 7-1A.2 Support development that uses water resources wisely

- Approval of the Pine Canyon development plan and water plan is inconsistent with this policy. The development plan is based on the use of 100% non-renewable groundwater and an aggressive water recycling plan that may or may not be sustainable in the long run.

The Applicant responded to this Policy in the CMP Consistency document by stating: "The Application accomplishes this policy. The Applicant's water supply plan was designed to use water resources wisely. The plan allows Pine Canyon to leave a significant portion of its water rights portfolio unused thanks to valuable, innovative reuse and conservation techniques. The Applicant's Water Efficiency Plan prioritizes and guarantees water conservation practices. The Applicant has tapped numerous experts who have analyzed and confirmed the viability of every aspect of the water plan – from water use forecasting to irrigation techniques. Thanks to cutting-edge technology and a commitment to longevity, *100% of the District's wastewater effluent will be treated, recycled, and reused.* The Applicant's recycle and reuse structure received approval from the Colorado Department of Public Health and Environment's Water Quality Control Division. The structure is specifically designed, with the use of multiple layers of limitations, requirements, and monitoring, to ensure that Pine Canyon's water resources are used wisely." The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement the Applicant's water supply.

Objective 7-1C: Support long-term water supply planning

- The proposed plan to use 100% non-renewable groundwater to support a "separate" municipal planning area within the Town of Castle Rock is inconsistent and undermines the long-term water supply planning that the Town of Castle Rock is pursuing to preserve precious aquifer resources.

The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement the Applicant's water supply. The Application has been carefully crafted to use water resources wisely and ensure a long-term water supply. The Water Supply Plan allows Pine Canyon to leave a significant portion of its water rights portfolio unused thanks to valuable, innovative reuse and conservation techniques. The Applicant's Water Efficiency Plan prioritizes and guarantees water conservation practices.

Policy 7-1C.1 Encourage developments to obtain service from existing water providers

- Approval of the Pine Canyon development plan and water plan is inconsistent with this policy. Castle Rock Water has always included the Pine Canyon Development in its master planning (water, wastewater, and water resources).

In the past, the Town has refused to honor prior will serve commitments made regarding wastewater service and capacity for the Scott Ranch property. The Applicant has explored service from other existing water providers. Over the course of multiple years, it has become clear that the only viable pathway for Pine Canyon is the creation of its own water and sanitation district. This district will allow for Pine Canyon to use new treatment technology and to maintain higher water quality standards than available from outside providers. The district also allows the

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Community to recycle and reuse 100% of treated wastewater by using cutting-edge treatment practices. Pine Canyon's district will also be more financially accessible to future water users within our community than if Pine Canyon was serviced by an existing provider using dated technology and facilities that discharge directly into the Chatfield watershed.

Policy 7-1C.2 Promote conjunctive water use systems

- The planned water system does not promote conjunctive water use. The Castle Rock Water has conjunctive use systems in service, and is spending millions on further expansion of its capability to capture, store, treat and use conjunctive water resources. Furtherance of the program is best accomplished by full inclusion of Castle Rock residents in the fiscal obligations created by such aggressive long term planning and execution.

The Applicant agrees with this CMP policy. Currently, the Water Supply Plan is based upon existing valuable water resources. The Application reflects the Applicant's hard work optimizing and extending the efficiency and the sustainability of those resources. The Applicant acknowledges the value of a conjunctive-use water system. Pine Canyon has integrated a Renewable Water Fund into the Pine Canyon Water and Sanitation District's financial structure. This Fund allows the District to supplement the existing supply with renewable water resources and create a conjunctive-use water system. The Applicant acknowledges the Town's long-term work on creating a conjunctive-use system, however, as noted by the County's water consultant, the Town's infrastructure (the WISE system) is "not viable" for Pine Canyon due to its "interruptible" nature.

Policy 7-1C.3 Work with water providers to explore opportunities to bring renewable water supplies to the County

- The proposed development is planning to use non-renewable groundwater sources and has an ambitious plan for water reclamation for irrigation that may not be achievable. Castle Rock Water is a regional leader and is not only looking for ways to ensure renewable water sources are the future of the Town's supply, but in bringing those projects to fruition. The efforts of Castle Rock Water to secure the Town's water future are undermined by the proposed development plan within its municipal planning area. Integration of Pine Canyon into the Town's long-term water supply initiatives is a better way to ensure and prolong the viability of the Denver Basin water resources for all residents of Douglas County. Exploring options to add renewable water resources equates to not having a plan.

This Policy discusses the County working with water providers to bring renewable water supplies to Douglas County. The Applicant proposes doing just that. The Application includes a renewable water fund as part of the financial structure of the Pine Canyon Water and Sanitation District which will allow the district to identify and purchase renewable water resources to supplement the Applicant's water supply. The Town's expensive renewable water infrastructure has been deemed "nonviable" for Pine Canyon by the County's water consultant. Previous discussions with potential renewable water suppliers have been severely hampered by the Town itself. Nevertheless, the Applicant will continue working to identify and bring outside, reliable renewable water supplies to the County.

1503 Approval Criteria for Planned Development Rezoning

1503.01 Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan

- See comments above for why the planned development is not in compliance with the DC

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CMP.

All comments above have been addressed accordingly.

1503.10 Whether the application is in conformance with Section 18A, Water Supply – Overlay District, herein

- The proposed development does not meet the Water Demands Standards in section 1805A.02.

The Application includes a thorough Water Appeal to the Water Demands Standards which have been analyzed to ensure reasonability and achievability.

PUBLIC WORKS/TRANSPORTATION

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Section 5, Goal 5-1, Community Resources: Ensure the provision of adequate community resources in an efficient and cost-effective manner

- Overall, the Transportation Impact Study (TIS) is insufficient and lacking all necessary transportation analysis. The Town provided input on the last submitted TIS stating that the proposed mitigation within that document is underestimated based on several factors. The proposed off-site transportation improvements are significantly underestimated as a result. As such, the proposed expenditure estimates for offsite Transportation impacts are likely to be significantly underestimated.

All comments on the TIS were thoroughly responded to, and subsequent comments responded to as well. The Applicant disagrees that the TIS is insufficient in any way and notes that other transportation agencies have not come to remotely similar conclusions. The Applicant responded to this Goal in the CMP Consistency document by stating: “The Application includes abundant community resources and amenities.”

Goal 5-6, Other Utilities: Maintain high quality standards in planning for utility sites

- The proposed plan has not identified sites for telecommunication facilities. This Goal discusses standards for utility sites, all planned utility sites include safety buffering per County standards and all other County standards will be met. Telecommunication facilities are not currently planned for Pine Canyon. Any future planning for telecommunication facilities will occur after rezoning approval.

Section 6, Goal 6-1: Develop an efficient, multifunctional transportation network designed to ensure safety, promote user access, and facilitate cost-effective operations and maintenance

- Please see TIS comments. Public Works does not believe this criteria has been met. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: “The Application helps develop a safe and improved regional transportation network, including the region’s first CDOT sponsored multimodal Mobility Hub. CDOT’s Mobility Hub facilitates greater access to transit options for current and future residents and businesses, mitigating traffic congestion and reducing commute times. Upgrades to existing road networks, as identified in the Traffic Impact Study, offer much needed roadway connections and improvements to the region’s transportation network.”

Goal 6-2: Develop and maintain an efficient and safe road network in harmony with natural features and existing neighborhoods

- Please see TIS comments. Public Works does not believe this criteria has been met. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: “The Application reflects this goal with internal neighborhood designs which support the natural terrain and the Property’s outstanding features. Roadway curvature following

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natural grade lines provides a traffic calming effect to lower vehicle speeds and improve safety for all road users. We look forward to achieving a harmonious balance between creating safe and efficient roads and maintaining the Property's natural features."

Goal 6-3: Support enhanced public transit in Douglas County

- Please see TIS comments. Public Works does not support the proposed location for public transit.

While the Applicant acknowledges the Town's Public Works department's stated opposition, the Applicant has continued to work with CDOT to bring reliable, efficient public transit to the region. The Applicant also notes that at various times the Town has acknowledged that this location is a very strong one and has supported the location in written comments to the Applicant and to CDOT. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: "Pine Canyon strongly supports this goal and we are pleased to propose the first full-scale multimodal CDOT Mobility Hub in the region. CDOT's Mobility Hub will offer statewide, inter-city transit options in the form of CDOT's Bustang service. The Applicant's efforts span many years and the Applicant will continue to work with state and willing local officials to ensure that CDOT's Mobility Hub can be used by Douglas County citizens for safe, reliable, efficient transit. Eventually, as a high-speed rail system becomes a reality in Colorado, the Applicant anticipates that CDOT's Mobility Hub will be facilitate both bus and rail services."

Goal 6-4: Coordinate transportation and land use planning design, programs, and policies to reduce traffic congestion, provide alternatives to automobile use, improve air quality, and create healthy, desirable living environments.

- Please see TIS comments. Public Works does not believe this criteria has been met. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: "Approval of this Application will play an important role in securing an option for an alternative to automobile use along the I-25 corridor via the integrated CDOT Mobility Hub and its transit operations. Part of the defining characteristics of CDOT's Hub will be amenities for alternative transportation options ranging from bicycle amenities to electric vehicle charging stations. Promoting these multi-modal options will help create healthy, desirable living environments, will attract innovative economic development, and will help achieve environmental goals like improving air quality."

Goal 6-5: Refine land use compatibility within the CARA to ensure air and ground safety

- This criteria has not been addressed in the proposed plan. This criteria is not relevant as Pine Canyon is not located within the CARA. This comment seems to have been included by mistake.

Goal 6-6: Achieve compatibility between the railways, other transportation corridors, and surrounding land uses

- Please see TIS comments. Public Works does not believe this criteria has been met. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: "Pine Canyon is in close proximity to two railroad corridors, both on the west side of the property. The Union Pacific rail corridor runs along the western boundary of the Pine Canyon proposed Light Industrial area, and there is an existing box culvert location that can be utilized to provide grade separated trail access to the East Plum Creek trail corridor. The Burlington Northern rail corridor is to the west of the property and runs

adjacent to the East Plum Creek trail corridor.”

Public Works Comments

- PW1. The submitted Traffic Impact study identifies several intersections and roadway segments that do not meet level of service standards. While recommendations are provided, the developer has not proposed any mitigation to Town streets

Kimley-Horn Response: This comment is not true. The Applicant has proposed improvements at all studied intersections where found to be needed so that they will operate at acceptable levels of service with development of the Pine Canyon project.

- PW2. It is our professional Traffic Engineering staff's opinion that the submitted traffic report underestimates the forecasted traffic volumes used to assess impacts. The consultant utilizes CDOT information to arrive at a 1% annual background traffic growth forecast, however both Douglas County's Transportation Master Plan, and the Town's Transportation Master Plan forecast much higher growth (calculated at 2% for Douglas County, and a variable rate on different corridors within Town limits, but an average over 2.5% annually). This essentially underestimates the off-site roadway system's capacity and ability to accommodate this proposed zoning. It also has a significant impact on mitigation needed to accommodate this proposal.

Kimley-Horn Response: Both the Douglas County and Town of Castle Rock's Transportation Master Plans were used in the development of this traffic study. These documents were used to accurately account for future traffic volumes. This commenter fails to understand that the analysis, which used a 2 percent annual growth rate (the 1 percent rate was stated erroneously), also applied project traffic volumes from the full Pioneer Ranch development, plus development of this project development area which represents a significant traffic volume growth in the area, well above 2.5 percent per year. This comment isn't valid.

- PW3. The development submittals do not reference either the County's or the Town's Transportation Master Plans, or how their proposal plans to accommodate either.

Kimley-Horn Response: As stated previously, both documents were referenced and used. We worked with staff from both Douglas County and the Town of Castle Rock when developing the traffic study. This comment is incorrect.

- PW4. Mobility Hub: The Traffic Impact Study submitted utilizes count information from one single Park and Ride located in Monument. This park and ride is served by CDOT's Bustang service only. This is not a sufficient trip generator use for CDOT's multi-modal Mobility Hub with mixed land uses that they envision. According to CDOT the actual number of parking stalls for the park-n-ride is 1,500 spaces, which is much more than the 350 spaces shown in the trip generation table. The park-n-ride trip generation table does not match the vision of a mobility hub or mixed use called for the PDP. In addition, the TIA woefully underestimates the trip generation potential from PA 17 & 18. According to the PDP the following uses are permitted land uses for PA 17 and 18; hospital, retail, theaters, bar/lounges, to name a few. The land uses permitted in the PDP needs to be accurately captured in the trip generation table. One data point can arrive at a severely inaccurate forecast and it's use is not comparable to the multi-modal concept envisioned by CDOT. This has a potential major impact on the transportation network. As analyzed, it is our professional Traffic Engineering staff's opinion that potential impacts from this Mobility Hub proposed are significantly underestimated.

Kimley-Horn Response: Actual development was accounted for in the TIA within the project trip generation calculation. The parking space trip generation was established from review of a comparable park-n-ride to add that traffic volume to the actual mobility hub volumes generated through project development. At meetings between the applicant and CDOT for the Mobility Hub, the agreed upon number of spaces to be studied by both applicant's and CDOT's traffic engineers is the number reflected in the TIA. It is understood that additional traffic comments

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could be provided as plans for the proposed mobility hub evolve and more details are provided in the future. This detail will be shared with the appropriate stakeholders as the plans develop. The mobility hub will have a site-specific traffic impact study when details of this facility are known in the future if it differs from the current assumptions.

PDP Comments

PW1. Front Street and Liggett Road are classified as 4-lane major arterial streets and require full movement intersections to be spaced ½ mile apart. The proposed location of the I-25 underpass does not comply with the Town’s street design standards and therefore will not be permitted. Any full movement access to Liggett Road will have to be shared with the undeveloped parcel to the south so that the intersection is closer to the ½ mile spacing requirement. This access will be shared with the Scott undeveloped parcel.

It is interesting to read of this standard, as Front Street includes four access intersections within 0.8 miles between Founders Parkway and Santa Fe Drive, with none of these accesses matching that spacing requirement. Additionally, these proposed access points were always included in every iteration of the plans discussed with Town Staff throughout the process of lengthy negotiations with the Town. It is understood that these access locations were, in fact, proposed by Town Staff itself. Likewise, shared access is beneficial and will be provided as possible.

PW2. The proposed street improvements on sheet 7 of the PDP cannot be supported. The TIA needs to be revised based on round #1 comments. In addition, there are several improvements that will be 100% responsibility of the proposed development, such as the roundabout at the old Hwy 85 and Liggett Road intersection and the extension of Liggett Road to Caprice Drive.

The Applicant has revised proposed improvements to accommodate comments from the Town and other agencies. The Applicant has had multiple discussions with the Town and others about both improvements stated here (which are noted in the Town’s Transportation Master Plan as Capital Improvement Projects the funding of which the Town is responsible), and is willing to continue those discussions to find a reasonable required improvement based upon the Application’s pro-rata share of the traffic impact at these locations.

PW3. The Town of Castle Rock controls Access to Town streets. Access points shown on the PDP are conceptual and have not been approved by the Town. Each access point from a Town controlled street will be evaluated by the Town and if granted will need to comply with the Town’s street design criteria manual.

The Applicant anticipates achieving access to public roads as conceptually identified in the PD. The Applicant has approached the Town multiple times to negotiate access to public roads and the Town has been unwilling to discuss any terms to which they would agree. The Applicant will continue to seek that access despite Town Staff’s arbitrary and capricious stance. Proposed access points are planned to meet Town manual standards.

PUBLIC WORKS/TRANSPORTATION

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Section 6, Goal 6-1: Develop an efficient, multifunctional transportation network designed to ensure safety, promote user access, and facilitate cost-effective operations and maintenance

- Please see TIS comments. Public Works does not believe this criteria has been met. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: “The Application helps develop a safe and improved regional transportation network, including the region’s first CDOT sponsored multimodal Mobility Hub. CDOT’s Mobility Hub facilitates greater access to transit options for current and future residents and businesses, mitigating traffic congestion and reducing commute times. Upgrades to

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existing road networks, as identified in the Traffic Impact Study, offer much needed roadway connections and improvements to the region's transportation network."

Goal 6-2: Develop and maintain an efficient and safe road network in harmony with natural features and existing neighborhoods

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Goal 6-3: Support enhanced public transit in Douglas County

- Please see TIS comments. Public Works does not support the proposed location for public transit.

While the Applicant acknowledges the Town's Public Works department's stated opposition, the Applicant has continued to work with CDOT to bring reliable, efficient public transit to the region. The Applicant also notes that at various times the Town has acknowledged that this location is a very strong one and has supported the location in written comments to the Applicant and to CDOT. The TIS comments were thoroughly responded to, and then subsequent comments responded to as well. The Applicant believes that this Goal has been fulfilled. The Applicant responded to this Goal in the CMP Consistency document by stating: "Pine Canyon strongly supports this goal and we are pleased to propose the first full-scale multimodal CDOT Mobility Hub in the region. CDOT's Mobility Hub will offer statewide, inter-city transit options in the form of CDOT's Bustang service. The Applicant's efforts span many years and the Applicant will continue to work with state and willing local officials to ensure that CDOT's Mobility Hub can be used by Douglas County citizens for safe, reliable, efficient transit. Eventually, as a high-speed rail system becomes a reality in Colorado, the Applicant anticipates that CDOT's Mobility Hub will be facilitate both bus and rail services."

Goal 6-4: Coordinate transportation and land use planning design, programs, and policies to reduce traffic congestion, provide alternatives to automobile use, improve air quality, and create healthy, desirable living environments.

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Goal 6-5: Refine land use compatibility within the CARA to ensure air and ground safety.

- This criteria has not been addressed in the proposed plan. This Goal is not applicable to Pine Canyon as it is not located within the CARA. This comment seems to have been included by mistake.

Goal 6-6: Achieve compatibility between the railways, other transportation corridors, and surrounding land uses.

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TIA Comments

Responses to these comments are transposed from a March 2021 response letter prepared by Kimley-Horn. The full letter, and subsequent comment and response letters, are included in the Resubmittal.

TIA1. Please clarify what Pine Canyon development was assumed in the 2025 analysis?

Full development of Pine Canyon was assumed in the 2025 horizon analysis. This provides a conservative analysis as all project related infrastructure improvements will be in place by 2025 as identified. However, this timeframe will be further explored for the current expectation of project buildout and will be modified to a later horizon date if needed.

TIA2. Figure 2, amend to show the existing intersection geometry and recent improvements to the Founders & Allen, and Founders & Crowfoot Valley intersections.

Original Kimley-Horn response: Understood, the recent improvements to these intersections will be included in the existing analysis of the revised traffic study. Since this comment and response were provided, the traffic study has been updated and this comment resolved. See letter dated December 8, 2021 for further analysis and response.

TIA3. Overall projected traffic volumes on Highway 85 & Founders Pkwy appear to be low, especially given the regional nature of the highway and all the projected growth in the region that will be using the highway. This could be due to using CDOT’s OTIS annual growth rate of 0.4% and not accounting for the approved developments that are being planned or built. A more realistic annual growth rate for Founders would be 1.5% similar to previous TIAs for Pine Canyon. This would capture projects in the Town, County, and surrounding communities. Once the volumes are updated the intersections should be reanalyzed based on the new volumes.

a. Low traffic volumes also apply to Front Street and Crowfoot Valley Road

Original Response: Although CDOT OTIS identifies an annual growth rate of 0.4%, the current study utilized an annual growth rate of 1.0%. In addition, project traffic from the large-scale Terrain development will be included as background traffic in the revised study (would the Town please provide that information?). The 1% annual growth with development traffic from the project and the Terrain development will be compared to model traffic projections in the Town of Castle Rock Transportation Master Plan. With this comparison, potential modifications to the background traffic will be provided to accommodate the Master Transportation Plan. Updates to the Traffic Study included an analysis of modeled annual growth to align with the Town’s Transportation Master Plan.

TIA4. The trip generation table:

- A column for the ITE trip rate used to calculate the trips should be included. Accordingly, some of the generated trips are less than the average ITE trip rate (e.g. SF & MF housing)
- A row should also be added to reflect any trip reductions, such as for the proposed school, in order to capture the reduction request in the table.
- Provide justification for a 50% trip reduction for the school, since Douglas County is a school of choice.

- d. Internal capture reductions need to be better documented and shown in Table 1.
- e. The trip generation table in the appendix does not match the table in the text – please correct.

Original response: Trip rates used will be provided in the report trip generation table in addition to the rates previously provided in the Appendix. There was not any internal capture (other than the school) or pass-by trip reductions used with this project to provide a conservative analysis. It is believed that 50 percent of external traffic being assigned to the elementary school is appropriate as elementary schools draw more localized traffic. In addition, school trips do not align to the PM peak hour of the adjacent street traffic; therefore, applying the peak hour trips of the school to the peak hour of the adjacent street traffic provides a conservative analysis. Daily park-n-ride trips in the Appendix had an error previously and will be updated to align with the trip generation table in the report text. Update: The Traffic Study was updated to reflect this response and was provided to the Town and other agencies for review and comment in the Fall of 2021. Responses to those subsequent comments appear in the December 8, 2021 letter included in the Resubmittal.

TIA5. Add the following intersections to the analysis.

- a. I-25 / Founders SB exit ramp
- b. I-25 / Founders NB exit ramp
- c. Meadows Pkwy / Factory Shops Blvd

Original Response: When this project was originally scoped with the County, these intersections were not requested for evaluation. This is due to this interchange being studied by others. However, we will add these intersections to an updated Pine Canyon Traffic Impact Study as requested. Update: these intersections were included in the updated Traffic Impact Analysis and provided to all relevant agencies for review and comment in Fall 2021. Responses to those subsequent comments appear in the December 8, 2021 letter included in the Resubmittal.

TIA6. The Town is building a signal at 85/Liggett this year. Analysis needs to be updated to reflect this in the existing condition analysis.

Original Response: This is good news. We will include the future signal at US-85 and Liggett Road in the revised study. Update: this signal was included in the updated Traffic Impact Analysis and provided to all relevant agencies for review and comment in Fall 2021. Responses to those subsequent comments appear in the December 8, 2021 letter included in the Resubmittal.

TIA7. The intersection analysis did not account for the realignment of the Liggett / Hwy 85 intersection in the future. This needs to be included in the analysis and aligned with Castleton Court. The analysis should be done as a roundabout and determine if a SB right turn by-pass lane is necessary.

Original Response: We believe this will be a good connection in the future. We will evaluate the realigned intersection in the long-term horizon and include a roundabout analysis. Update: this realignment and roundabout analysis was included in the updated Traffic Impact Analysis and provided to all relevant agencies for review and comment in Fall 2021. Responses to those subsequent comments appear in the December 8, 2021 letter included in the Resubmittal.

TIA8. The Town’s standards state that any new intersection with a collector street or higher classification needs to be constructed as a roundabout unless the analysis shows it will not operate well. Please amend all new intersection analyses to reflect this standard. In particular, the newly proposed access points for the Pine Canyon development.

Original Response: We will analyze all new access intersections with roundabout control in addition to other controls in the revised study. Update: this analysis was completed in the updated Traffic Impact Analysis and provided to all relevant agencies for review and comment in Fall 2021. Responses to those subsequent comments appear in the December 8, 2021 letter

included in the Resubmittal.

TIA9. Roadway capacity concerns:

- a. A corridor progression analysis is highly recommended for Founders Pkwy from US Hwy 85 to 5th Street. Identify all improvements along the corridor as part of the analysis
The accesses along Founders Parkway are existing intersections. With the adaptive traffic signal system being implemented along Founders Parkway, progression improvements are already underway along the corridor. Of note, the traffic study is identifying the improvements needed along the corridor with the addition of project traffic.

FIRE	RICK YOUNG	(303) 660-1066
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F1. Please refer to Fire Plan Review letter (**Attachment K**).

The Applicant has reviewed the letter from the Castle Rock Fire and Rescue Department. Responses to the letter are provided in multiple letters included in the Resubmittal.

Attachments

- Attachment A: Resolution No. 2020-073: Opposing the Wastewater Treatment Site Application
- Attachment B: Resolution No. 2020-094: Opposing the Pine Canyon PD Rezoning
- Attachment C: Resolution No. 2020-095: Opposing the Water Appeal
- Attachment D: Constraints and Hazards Map
- Attachment E: Wildlife Resources Maps
- Attachment F: Town Planning Redline Comments
- Attachment G: Water and Sanitary District Service Plan Referral Comments
- Attachment H: Metropolitan Districts 1-5 Service Plans Referral Comments
- Attachment I: Wastewater Treatment Site Application Referral Comments
- Attachment J: Vegetation Map
- Attachment K: Fire Plan Review Letter

DEVELOPMENT SERVICES

100 North Wilcox Street, Castle Rock, CO 80104. P: 720.733.2205 F: 720.733.2217 E: phall@crgov.com

Pine Canyon Planned Development Rezoning & Water Appeal DEDICATION • SERVICE

Project File: ZR2020-010 & MI2020-009

Board of County Commissioners Staff Report Attachment E - Page 36 of 137

ATTACHMENT 1 – CGS LETTER

DEVELOPMENT SERVICES

100 North Wilcox Street, Castle Rock, CO 80104. P: 720.733.2205 F: 720.733.2217 E: phall@crgov.com

Pine Canyon Planned Development Rezoning & Water Appeal

Project File: ZR2020-010 & MI2020-009

Board of County Commissioners Staff Report Attachment E - Page 77 of 137

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



November 19, 2021

Karen Berry
State Geologist

Matt Jakubowski, AICP, Chief Planner
Planning Services
Douglas County Community Development

Location:
Sections 34, 35, and 36, T7S, R67W, and
Section 1, T8S, R67W, 6th P.M.
39.394, -104.852

**Subject: CGS review of November 4, 2021 CTL|Thompson Response to CGS Comments
Pine Canyon Planned Development
File Number ZR2020-010; Douglas County, CO; CGS Unique No. DU-21-0014-3**

Dear Matt:

In response to Colorado Geological Survey's August 25, 2021 review of the Pine Canyon PD resubmittal for Douglas County, the applicant has submitted:

- Response to Colorado Geological Survey Comments, Geologic and Preliminary Geotechnical Investigation, Pine Canyon Development, West of Founders Parkway, East of Prairie Hawk Drive, South of Metzler's Ranch Subdivision, and North of the Woodlands Subdivision, Douglas County, Colorado, Project No. DN51,162-115-L1 (CTL|Thompson, November 4, 2021).

CGS previously reviewed:

- Geologic and Preliminary Geotechnical Investigation, Pine Canyon Development, West of Founders Parkway, East of Prairie Hawk Drive, South of Metzler's Ranch Subdivision, and North of the Woodlands Subdivision, Douglas County, Colorado, Project No. DN51,162-115-R1 (CTL|Thompson, August 19, 2021).

CTL's 11/4/2021 response satisfactorily addresses the mapped landslide-, debris flow-, and rockfall-susceptible areas discussed in our previous review letters. Provided the recommendations in CTL's 8/19/2021 and 11/4/2021 reports are adhered to, CGS has no objection to approval of the Pine Canyon PD (ZR2020-010).

If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist

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

ATTACHMENT 2 – CORE RESPONSE LETTER

DEVELOPMENT SERVICES

100 North Wilcox Street, Castle Rock, CO 80104. P: 720.733.2205 F: 720.733.2217 E: phall@crgov.com

Pine Canyon Planned Development Rezoning & Water Appeal

Project File: ZR2020-010 & MI2020-009

Board of County Commissioners Staff Report Attachment E - Page 79 of 137



December 11, 2020

Pam Hall
Town of Castle Rock - Development Services
100 North Wilcox Street
Castle Rock, CO 80104

**RE: Pine Canyon Planned Development Rezoning -
Response to Drainage Comments
Case No. ZR2020-010 [COU20-0016]**

Dear Ms. Hall:

This letter is in response to the Castle Rock Water/Drainage and Floodplain comments pertaining to Phase I Drainage Report received on October 23rd, 2020. The comments have been addressed and are included in the enclosed revised documents and complete comment responses are typed in *blue* below.

Minor Submittal Updates:

- The proposed drainage map has been reduced to 1 overall sheet instead of an overall and two detail sheets. The detail sheets were unnecessary since all the information fits on the overall sheet.

Castle Rock Water/Drainage (Tina Close 720.733.6089):

1503.01 Compliance with the CMP

Section 2 General Urban Land Use: Objective 2-3A: Goal 2-5: Policy 2-5A.4

- The site is impacted by major and minor drainageways. Major drainageways are defined as having tributary area greater than 130 acres. Some of these tributaries are within FEMA designated special flood hazard areas. These are stream tributaries to Plum Creek. Development will impose significant impacts to downstream floodplains within the Town including East Plum Creek and its tributaries due to adverse hydrologic impacts from urbanization. These changes adversely degrade downstream stream systems threatening property, public safety and water quality. Downstream channel stabilization may be required due to point discharge of the outfalls of proposed full spectrum and water quality ponds. Development will impose significant impacts to downstream drainageways, and floodplains within the Town.

Response: The project will include subsequent detailed engineering designs and reports that will adhere to the current Douglas County Drainage Standards and floodplain regulations for stormwater impacts and channel stabilization.

PAGE 1 OF 3

3473 S. BROADWAY | ENGLEWOOD, CO 80113 | 303.703.4444



DI. The site is impacted by major and minor drainageways. Downstream channel stabilization may be required due to point discharge of the outfalls of proposed full spectrum and water quality ponds. Drainage reports will need to address and verify no impacts to the drainageways, or to the downstream properties and existing storm infrastructure within the Town of Castle Rock. The drainage reports must also verify no impacts due to flow diversions and increase of flow due to higher density land use.

Response: Efforts will be made to maintain and preserve the natural topography and drainageways. Future detailed drainage designs and reports will address drainageway stabilization and stormwater detention facilities.

Floodplain (David Van Dellen 720.733.6029):

1801 Controlling the alterations of natural floodplains, stream channels and natural protective barriers

1801 Protect the hydraulic characteristics of the drainageways and maintain storage capacity Section 3 Non-Urban Land Use: Goal 3-2: Policy 3-2B.3

- Slope analysis shown on the Pine Canyons plans have slopes in excess of 25%. Development will require major grading in these areas which will require the natural drainage channel to be redesigned or relocated, therefore changing the characteristics of the natural channel. Stream stabilization measures must be implemented.

Response: Efforts will be made to maintain and preserve the natural topography and drainageways. Future detailed drainage designs and reports will address drainageway stabilization where applicable.

Section 8 Environmental Quality: Flooding: Goal 8-2: Objective 8-2B

- There are major and minor drainageways that will not be within open space per the Pine Canyon Plans PA 1, PA-10, PA-11, PA-12, PA-13 and PA14. These drainageways will require stream stabilization measures, and may require to be relocated.

Response: Noted, the minor drainage basin descriptions provide verbiage that the drainageways may be routed (relocated) through the site. Future detailed drainage designs and reports will address drainageway stabilization where applicable.

FD1. Property encompasses major drainageways as defined by Town criteria as having tributary areas greater than 130 acres. Ensure stream stabilization measures are implemented. Refer to Town's drainageway master plans for required improvements.

Response: Future detailed drainage designs and reports will address drainageway stabilization per the governing jurisdiction's standards.

FD2. Development will impose significant impacts to downstream floodplains within the Town including East Plum Creek and its tributaries due to adverse hydrologic impacts from urbanization. These



changes adversely degrade downstream stream systems threatening property, public safety and water quality. Appropriate impact fees and/or improvements should apply to mitigate for such impacts as per Town of Castle Rock code.

Response: Impacts to floodplains including Plum Creek will be analyzed with future detailed engineering studies. The project will adhere to current drainage design and criteria of Douglas County and will mitigate impacts to Plum Creek.

FD3. Ensure portions of East Plum Creek within project limits follows recommendations of the East Plum Creek Watershed Master Plan as adopted by the Town of Castle Rock.

Response: The project is located with Douglas County, not the Town of Castle Rock. Floodplain impacts will be coordinate through the County and their process.

FD4. Portions of the property are within FEMA designated floodplains. Town of Castle Rock Floodplain Development Permits may apply,

Response: It is anticipated that floodplain impacts will be limited to areas within Douglas County and will adhere to their current stormwater and floodplain regulations. It is noted that if floodplains with the Town are impacted that Floodplain Development Permits may apply in those circumstances.

If you have any questions, please do not hesitate to call me at 303.703.4444.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Rohrbough'.

CORE Consultants Inc.
Kevin Rohrbough, P.E.

MEMORANDUM

TO: Jim Walker
Kurt Walker

FROM: Gina Burke

DATE: January 30, 2023

SUBJECT: Town of Castle Rock LRE Interference Analysis Review

JOB NO: 986.1

This Memorandum responds to the LRE Water (LRE) letter, dated July 22, 2020, which was included as an exhibit to the Town of Castle Rock's referral comment letter. LRE's letter summarized their evaluation of potential impacts to Castle Rock's wells in the vicinity of Pine Canyon in response to the Water Supply Plan Report completed for Pine Canyon, dated April 22, 2020.

We have carefully evaluated LRE's conclusions. We believe that LRE's approach confirms our conclusion that there are no statutorily measurable impacts to wells owned by the Town of Castle Rock.

Background

As stated in our response Memorandum to Douglas County's Initial Review Letter, (dated July 7, 2002), we completed a well simulation model. Our model used the theis non-equilibrium equation to simulate well pumping from two proposed well sites. Per the Applicant's decrees, the Applicant has the legal right to drill anywhere within their property. The Applicant, however, would need to abide by the State's statutory 600 foot spacing rule for wells owned by others on adjacent properties (37-30-137(4) C.R.S.).

The Applicant's two proposed well field sites are conservative since potential "interference" with nearby wells would be greater at these sites than if the proposed wells were moved to the interior of the Applicant's property. Continuing this conservative approach, our model also uses a worst case pumping simulation with the full appropriation of the Applicant's adjudicated water. This worst-case scenario amount is almost double the proposed water demands for the project.

As discussed in the Water Supply Plan report, the average modeling results from pumping at both Well Fields are considered immeasurable drawdowns in a Denver Basin Aquifer ground water well, and are considered insignificant amounts of interference. This non-injurious drawdown is directly supported by C.R.S. Section 37-90-137 (4)(c), which states: "**material injury to vested nontributary groundwater rights shall not be deemed to result from the reduction of either hydrostatic pressure or water level in the aquifer**"; and by Douglas County's Zoning Resolution, which states in Section 1807A.05: "the service plan shall include a wellfield analysis that demonstrates that such wells will not adversely impact existing water rights on adjoining lands, **considering the statutory requirement that material injury does not result solely from reductions of hydrostatic pressure or water level in an aquifer**" (emphasis added)

Review of LRE Analysis

A review of LRE Water's analysis shows that LRE utilized different parameters than were used in the Pine Canyon Water Supply Report. While the parameters differed in the two studies, the overall result did not. LRE's model results show, at worst case, one of the Town's Denver wells may see a drawdown in water level of 69.6 feet after 100 years of pumping. This is an average of 0.7 feet per year, which is an immeasurable drawdown in a Denver Basin aquifer well. This result corroborates the conclusion of non-injury in our original well field analysis.

LRE's analysis also assumes that Pine Canyon would be pumping 100% of their available Denver aquifer ground water. This is not proposed. As shown in the Pine Canyon Water Supply Plan Report, through the use of its CDPHE approved water and wastewater system, Pine Canyon, will be only utilizing approximately 50% of their total

ground water rights portfolio. Conserving water to this extent further reduces any non-injurious impacts to the Town of Castle Rock's Denver Basin ground water wells.

Conclusion

The Town of Castle Rock commissioned a separate analysis of the well field analysis included in Jehn Water Consultants' Water Supply Plan for Pine Canyon, dated April 22, 2020. This LRE analysis, however, used different parameters than Jehn Water's original analysis. Despite this difference, both evaluations conclude that any potential aquifer drawdown from Pine Canyon's wells are immeasurable and non-injurious.

LEE WILLIS
P. O. Box 43
Franktown, Colorado 80116
(720) 813-0606
4570lw@gmail.com

January 23, 2023

Matt Jakubowski, AICP
Senior Planner
Department of Community Development
100 Third Street, 2nd Floor
Castle Rock, CO 80104

Re: Pine Canyon Rezoning Application
Case No. ZR2020-010
Castle Rock Fire and Rescue Department
Referral Comments

Dear Mr. Jakubowski:

Jim Walker, grandson of Walter and Ida Scott, asked that I review and comment on the Castle Rock Fire and Rescue Department plan review letter dated September 8, 2020. I have reviewed this comment letter written by Rick L. Young, Deputy Fire Marshal.

I believe I am uniquely qualified to comment on this plan review. I have just retired as the Franktown Fire Protection District Chief after serving for more than 30 years.

During my time as Franktown Fire Chief, I have reviewed many rezoning applications filed with Douglas County and have authored referral Fire Department comments. In all my many years, I have never seen a referral letter that makes a threat to take legal measures to aggressively remove rezoned property from a fire protection district. This is very, very uncommon and, in my opinion, unwarranted and unreasonable.

I believe this removal threat violates the Colorado statutes and cannot be supported. The Castle Rock Fire Protection District is legally obligated to provide fire protection to this property.

Fire departments and districts have always enjoyed a strong spirit of mutual cooperation and assistance. Automatic-aid agreements are widely used in our

Matt Jakubowski, AICP
Department of Community Development
January 23, 2023
Page 2

county. This cooperation is now more critical than ever before given our heightened risk of catastrophic wildfire.

I have reviewed the additional fire department comments and questions. These comments are discussed under five separate topics. I have never ever seen this level of administrative fire district concern contained in a County rezoning referral comment. These types of fire department operational details are worked out after rezoning approval. These details, if even relevant, belong at preliminary or final plat. That is how I have experienced the County land use process for many, many years.

Another document is relevant to these review comments. Mr. Walker has provided me with a copy of an Amended and Restated Intergovernmental Agreement (IGA), entered into by the Town of Castle Rock and the Castle Rock Fire Protection District, dated September 15, 2009.

Based on my review, I believe the IGA itself covers all of the fire department's concerns expressed in the September 8, 2020 plan review letter. Pursuant to Article II, Castle Rock shall provide fire protection services and EMS services for property in the District. The applicable fire codes are covered in the IGA (Article II, Section 1.D(i)). Fire code enforcement and the role of law enforcement are also addressed in this Article. Under Article II, Section 2, Castle Rock shall also provide all supportive and administrative services regarding fire protection.

In my view, Castle Rock has committed to providing fire protection and EMS services for this property. The allocation of the costs of providing these services is covered in Article V of the IGA.

All of the concerns in each of the fire department's five review letter topics are covered by the IGA. Castle Rock's obligations and compensation rights are all part of the IGA. Castle Rock cannot require new and separate conditions.

If you should wish to discuss my views based on my long tenure in fire protection, please give me a call.

Very truly yours,



Lee Willis

JRW FAMILY LIMITED PARTNERSHIP LLLP
5975 East Jamison Place, Centennial, CO 80112

January 23, 2023

Matt Jakubowski, AICP Chief Planner
Department of Community Development for Douglas County, Colorado
100 Third Street, 2nd Floor Castle Rock, CO 80104

Re: ZR2020-010 Pine Canyon
Planned Development Post Referral – Town of Castle Rock Comments

Dear Mr. Jakubowski:

We are pleased to enclose the Applicant's response to the Town of Castle Rock's referral comments. The Town's comments were released during the November 2020 Referral Period. The Town's remarks themselves, together with the Applicant's responses, are attached.

We are compelled to also provide our deep concerns with the Town's comments. As explained below, the vast majority of the Town's comment letter focuses on the County's Comprehensive Master Plan (CMP). The Town lists CMP Objectives, Goals, and Policies with inserted comments in an effort to assert that the Application does not comply with the CMP. However, the Town's CMP analysis and comments lack expected professionalism and credibility as they are prejudiced by key omissions, improper grouping, and selective misinterpretations.

Key Omissions

In the comment letter, Town Staff does not quote CMP elements verbatim. Rather, Town staff actively restates or misstates the CMP. At multiple points, Town Staff omits key phrases or entire sentences. This paraphrasing corrupts the intended nature of the CMP elements and attempts to assert a false conclusion that the Application is out of compliance. However, if the CMP element had been accurately quoted, it would show that the Application complies with the stated Goal, Objective, or Policy.

The Town letter attempts to use Policy 2-1C.2 to show a lack of compliance by stating only the second half of the Policy. The Policy reads: "Determine the actual density or intensity of development *at time of subdivision or site improvement plan* by considering the potential environmental and visual impacts; availability of community facilities and services; and compatibility with existing, adjacent or planned uses" (omission emphasized). However, the Town letter removed any notation of timing, leaving out the Policy's declaration that this determination occurs at Subdivision or Site Improvement Plan. Town Staff attempts to make it appear as though our rezoning submittal is out of compliance. It is not.

An additional omission is equally egregious, CMP Policy 2-16B.5 states: “Mitigate potential land use impacts of new unincorporated development adjacent to municipalities. ***Encourage municipalities to mitigate land use impacts on adjacent unincorporated Douglas County development***” (omission emphasized). However, the Town comments purposely omit the second part of this Policy. Ignoring this section of the Policy not only falsely charges the rezoning with a lack of compliance, it purposely and actively disclaims any expectation or obligation of the Town to work with the Applicant.

When Town Staff attempted to show that Pine Canyon does not meet Policy 2-16B.4, staff simply omitted the entire Policy, falsely stating in their comment: “The proposed plan does not support annexation of a total community into a municipality to give residents a greater say in land use issues. The proposed plan is inconsistent with the stated policy.”

The CMP actually states: “Support annexation of a total community into a municipality to give residents a greater say in land use issues affecting their community. ***Annexations of only commercial development, leaving the residential component under County jurisdiction, are inconsistent with this Plan***” (emphasis added).” When taken in its entirety, it is clear that this Policy is written to ensure that land is not divided in a way where valuable commercial elements are annexed into a municipality while residential areas are left unincorporated. If this Policy had been quoted in its entirety, it would reveal that the Application is completely complies with the Policy.

Improper Grouping

At points in the Town’s letter, CMP elements are grouped together improperly to give the illusion that the Application is out of compliance. For instance, Policies 8-1A.3 and 8-1A.8 are grouped together with one Town staff comment:

“Policy 8-1A.3: Class 3 Hazard Areas should be limited to low-intensity land uses such as agriculture, grazing, open space and certain recreational uses. These uses shall not conflict with identified hazards or increase the severity of on-site or adjacent off-site conditions.
Policy 8-1A.8: Lands proposed for dedication, including all open space park, school, and ROW should have an environmental audit showing that the area is free of toxic or hazardous waste to prevent County liability for future clean up.

- Per the attached Class 3 Constraints map, a large portion of the Pine Canyon property east of I-25 is within the Rockfall-Rockslide/Debris Avalanche Area and should be restricted to low-intensity land uses as specified in Policy 8-1A.3 above. The PC development plan does not meet this CMP policy. It appears all or portions of the residential planning areas 1, 2, 4, 8, 9, 10, and the entirety of the destination resort planning area 6 are within the designated Class 3 Hazards Area. Two active parks, planning areas 5 and 7 are appropriately located in the Class 3 area.”

As can plainly be seen, this comment tries to use part of Policy 8-1A.8 (“lands proposed for dedication, including all open space park”) as though it exists in Policy 8-1A.3 (references to the Class 3 Constraints map). These are two very different CMP policies – one relates to natural geological features, and the other addresses toxic and hazardous waste. However, the Town comment letter purposely conflates the two in order to push a misinterpretation.

These Policies address two very distinct policy concerns. The Applicant has fully addressed both concerns. The Applicant commissioned a full Geological Hazard Evaluation and Geotechnical Investigation, and then subsequently engaged with the Colorado Geological Survey (CGS) to ensure compliance with CMP Policy 8-1A.3. As a result of this thorough work, CGS wrote a letter dated November 19, 2021 stating that the “**response satisfactorily addresses the mapped landslide-, debris flow-, and rockfall-susceptible areas** discussed in our previous review letters. Provided the recommendations in CTL’s 8/19/2021 and 11/4/2021 reports are adhered to, **CGS has no objection to approval of the Pine Canyon PD**” (emphasis added). We have addressed Policy 8-1A.8 separately in our CMP Compliance response, which states: “The Applicant intends to secure environmental audits following rezoning approvals. Pine Canyon has not located hazardous waste on site”.

Selective Misinterpretation

Several times in the Town Staff letter, CMP elements are misinterpreted with an attempt to shore up false conclusions.

When addressing DCZR Section 25, Town Staff states “There has not been a substantial change in the character of the property since it was last zoned.” This is meant to show that the Application does not fulfill section 2502.03. However, that section actually reads: “Whether there has been a substantial change in the character of the *neighborhood*, since the land was last zoned” (emphasis added). The neighborhood surrounding Pine Canyon has undergone significant changes. By misinterpreting “neighborhood” and applying it only to the property itself, Town Staff completely changes the intent of the Section, and gives a false impression that the Application is out of compliance. It is not.

A section of the Douglas County Subdivision Resolution (1003.11.5) is quoted regarding Open Lands, and then Town Staff states: “The Pine Canyon proposal should be required to dedicate as open space, as defined in **1003.12.5**, sufficient acreage to separate and clearly identify the development from the adjacent Town of Castle Rock and established Town subdivisions.” However, Town Staff chose not to quote the actual definition which they cite. This definition reads: “1003.12.5 – Open Land – open lands are vast areas of land without visible evidence of residential, commercial, or industrial development.” The suggestion that the Applicant should somehow be able to dedicate open land to separate Pine Canyon from established Town subdivisions completely misinterprets the definition of Open Land. There are no areas “without visible evidence of residential, commercial, or industrial development” next to Town subdivision precisely because those subdivisions are of residential, commercial, or industrial developments. Again, another active misinterpretation by Town Staff.

Later in the letter, Town Staff quotes Policy 2-1A.1 (“Limit urban development to the municipal planning area”), and then states: “The plan does not direct the applicant to develop within the designated municipal planning area of the Town of Castle Rock. It is disingenuous to say it, Pine Canyon, is located within the MPA of Castle Rock when none of the required services (water/wastewater/fire protection/traffic management) are being provided by Castle Rock. They are in essence proposing a planning area within an existing planning since services will not be from one entity.”

Town Staff misquotes the Policy. The Policy actually states: “Limit **and direct** urban development to **the Primary Urban Area (PUA), Separated Urban Areas (SUAs), Chatfield Urban Area,** and Municipal Planning Areas **depicted on the CMP Land Use Map**” (omissions emphasized). The Town’s comment misinterprets the nature of a “municipal planning area”. This Policy does not mandate that “urban developments” occur and be serviced by municipalities themselves. It states that these types of land use changes should occur within the mapped “urban areas”.

It is not uncommon for rezoning which include “urban developments” to be located within an MPA, but for the rezoned property to remain within the County’s jurisdiction. Stonegate and Silver Heights have done exactly that.

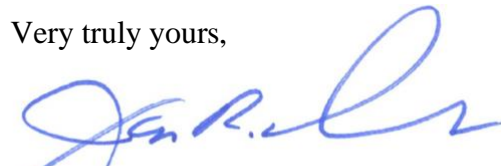
Conclusion

The Applicant has taken special care to address every referral period comment. When Town Staff chose to express legitimate concerns, the Applicant acknowledged and addressed them. However, the Town’s attempt to misstate and purposely omit key provisions should not be tolerated. These falsehoods and active manipulation of County guiding documents acutely damage the credibility typically found in a local governmental referral response.

The Applicant has prepared and filed a CMP Compatibility narrative document. The document includes any and all CMP Policies, Goals, and Objectives relevant to the Applicant’s requested rezoning unedited and in their complete state. All of these CMP elements are addressed in their entirety in the Applicant’s responses.

As the Application moves forward in the rezoning process, the Pine Canyon team will continue to address and respond to all comments. We will continue our efforts to interface with the Town in hopes that its Staff will choose to genuinely and sincerely participate in good faith.

Very truly yours,



James R. Walker General Partner,
JRW Family Limited Partnership LLLP

January 11, 2023

Matt Jakubowski, AICP Chief Planner
Department of Community Development
Douglas County, Colorado
100 Third Street, 2nd Floor Castle Rock, CO 80104

Re: ZR2020-010 Pine Canyon
Planned Development Post Referral – Public Comments – Applicant Response

Dear Mr. Jakubowski:

We are pleased to offer our responses to public comments received regarding the Pine Canyon rezoning application. Over the course of many years, our land use proposals have benefitted from many public comments and suggestions.

We realize our historic property is quite prominent in the County. We also understand that our rezoning application is multi-faceted, touching on many important land use priorities and sensitivities. We have grouped our responses to these public comments into three key categories: water, traffic, and wildlife.

Water

Several County residents whose homes are located close to Pine Canyon expressed concern that our rezoning may impact existing water or wastewater infrastructure or services. As described in our resubmittal documents, Pine Canyon will be serviced by its own cutting-edge water and wastewater facility. CDPHE has issued its site approval of this facility. Existing, older infrastructure and services will not be affected and we have learned currently do not have all the necessary permits.

100% of Pine Canyon's wastewater will be treated in a technologically advanced facility, recycled, and reused. No recycled water will be discharged to East Plum Creek surface water or to groundwater. Reusing water so effectively allows Pine Canyon to conserve our Douglas County water resources and leave a substantial portion of our water rights portfolio unused. Our proposal protects water quality for the entire region by not discharging to surface or groundwater. If the public has additional technical questions about Pine Canyon's system, the Colorado Department of Public Health and Environment has issued multiple approvals of our proposed system and facility, all of which are attached to the PD Resubmittal.

Traffic

Some public citizens expressed concerns about the state of the roadway network in the area. Some worried that Pine Canyon will worsen the state of that infrastructure by adding more traffic. The Pine Canyon team has focused extensively on mitigating traffic impacts, and commissioned and secured a comprehensive Traffic Impact Study that has been accepted by Douglas County Engineering. That study included in-depth analysis of the current conditions of the regional public transportation network, and forecasted impacts. When the study found that approval of our rezoning (if constructed) would contribute to lowering levels-of-service at a particular area, improvements to mitigate that impact were suggested. The PD documents include the Applicant's commitments to improve several locations throughout the region as mitigations for potential impacts. Additionally, the public will be pleased to note that

rezoning Pine Canyon proposes a new east/west and north/south connections. These new connections will provide additional alternatives for the entire region, which will relieve the burden of heavily-trafficked areas on Founders Parkway and Scott Boulevard. The new proposed connections would include an underpass running beneath I-25 which would replace the old Liggett Road bridge. This new connection will facilitate better flows of traffic on both sides of the interstate. New connections would also provide sorely-needed alternatives for emergencies – as redundant exit alternatives in the case of dangerous wildfire or other disasters, and as access points for emergency service providers.

Some public comments asked for public transportation options. Pine Canyon’s application includes a CDOT-sponsored Mobility Hub as part of an integrated regional transportation solution. CDOT’s Mobility Hub would provide public, intercity transit options to help citizens from the entire region get to and from their desired locations up and down the Front Range. This solution would help reduce existing I-25 traffic congestion.

Wildlife

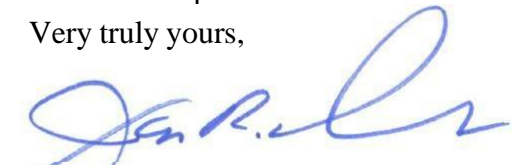
Some public feedback expressed concerns regarding the impact that our rezoning would have upon wildlife. As operators of a multi-generational, award-winning ranch, the Pine Canyon ownership team has worked for many years to conserve wildlife habitat with the U.S. Department of Agriculture’s Natural Resource Conservation Service, the U.S. Fish and Wildlife Service, the Colorado Department of Agriculture, Douglas County Natural Resources and Open Space, and the Douglas County Wildfire Mitigation office.

Douglas County maps identify the majority of Pine Canyon as having low to moderate habitat potential. The only significant habitat identified, and the only wildlife migration corridor on the entire site, is located in the East Plum Creek riparian area. We proposed that this corridor and its riparian attributes be preserved.

Another portion of the property is forested by Ponderosa Pines. Professional foresters and the USDA experts have expressed concerns with this area. Pine Canyon ownership recognized this risk years ago, even before the recent, tragic Marshall Fire. In conjunction with the USDA’s NRCS, Pine Canyon has secured a Forest Management and Fire Mitigation Plan. This plan recommends prescriptions to help create a healthier forest and to reduce the fire risk. Some of these prescriptions have already been completed. Wildlife habitat preservation has been included as part of the Plan, even though this area is lower priority habitat. Specific habitats were identified for preservation by foresters at multiple stages after rezoning approval. When rezoning is approved, additional protective measures include overlot grading restrictions and building height limitations.

As we move forward in the rezoning process, we appreciate hearing from the public. The Pine Canyon team anticipates additional public outreach as the process continues.

Very truly yours,



James R. Walker General Partner,
JRW Family Limited Partnership LLLP



December 20, 2022

Plan Review
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
(303) 660-1066

RE: Pine Canyon Planned Development – Response to Fire Department Comments

Dear Mr. Jakubowski:

This letter addresses your comments dated 9/8/2020 on the Pine Canyon project. The comments have been reproduced below with CORE Consultants’ responses.

Review Comments by the Fire Department:

1. The submitted REZONING plans have been reviewed for conformance with the adopted Douglas County Comprehensive Master Plan and Code criteria, as well as the basics of the Fire Code. Since this is a REZONING plans, the information provided does NOT provide adequate detail for the Fire Department to complete a comprehensive review of the Fire and Life Safety Codes.

Response: Noted, all development plans, both preliminary and final, will be provided for review by the Castle Rock Fire Protection District.

Based on the review the Fire Department expresses the following concerns / questions:

1. The rezoning plans call for the formation of a NEW WATER AND SEWER DISTRICT. More information will need to be known about the New District to determine if they can provide the required infrastructure, fire flows, hydrant installation, testing and maintenance. All aspects of the development will need to meet the requirements of the 2018 IFC Codes and standards for firefighting water supplies.

-At the time of this review, there are too many unknowns with the status of the water provider, infrastructure and delivery system to comment further about compliance with this essential firefighting need.

-It should be noted that as the development plans are refined, the water supply and fire flow needs may change.

For example: If a portion of the development has homes initially proposed at 3,000 square feet, the fire flow and hydrant spacing are designed for that size home. If the size of the homes change, larger lots and 6,000 sq feet homes, the fire flow needs are increased, and hydrant spacing is decreased.

-These are considerations that require constant oversight and communication through ALL ASPECTS OF THE PLANNING and development phases.

Response: It is anticipated that the proposed Water District will provide sufficient fire flows and adequate fire protection to serve the development.

2. Site access, street widths, grades, will all need to be reviewed in detail to determine if the CRFD fire apparatus can adequately access the site. An auto-turn apparatus overlay plan will be required to be submitted for Fire review and verification.

-The Fire District is familiar with the County road standards, however we will need to review and comment on the infrastructure, as well as verify through inspections that the areas completed are in full compliance with Fire Codes and that Fire can achieve access.

-It is during this inspection of the street infrastructure that the Fire District also validates the proper location of hydrants based on the approved water distribution plan. Effective communication and coordinate are essential in completing these processes.

Response: Noted, during subsequent site plan submittals, both preliminary and final design plans will be provided for review and approval of the Fire District.

3. Since the Pine Canyon development is proposed to exist in unincorporated Douglas County, there will exist some challenges in Code enforcement where needed. The Fire District has minimal Fire Code enforcement authority as a Special District in unincorporated Douglas County. Code enforcement actions in the County, based on the ability the County has under Code adoption processes, require support from Law Enforcement. The Fire Department will need to strongly rely on the Sheriff's Office for Fire Code enforcement on a timely basis as needed to ensure fire and life safety throughout all aspects of construction and the longevity of the project.

-Based on the limited authority as a Special District, there are also limitations when it pertains to fire and arson investigation.

-There will be a strong need of assistance from the Sheriff's Office for fire investigation support, case filings, and investigative support.

-Investigations in these areas of the Fire District typically require additional Fire District staff time to conclude and will pose impacts on an already understaffed Life Safety Division.

-Within the Town of Castle Rock, our investigators have the authority of a Peace Officer and can perform the needed Code Enforcement and Investigative functions without additional support.

Response: The development will work with Castle Rock Fire and Sherriff Departments to ensure that code enforcement will be adequately handled.

4. As noted in the Rezoning plan, there is a significant amount of open space and parks that are mixed within the development. These areas will require substantial wildland mitigation in conformance with the County Mitigation Plan, and will require continued mitigation and maintenance to ensure the limited potential of a catastrophic wildland fire.

-Sheet 8 of 15 of the rezoning plans, makes a statement that: A detailed Forest Management Plan shall be provided to Douglas County Planning as part of the PD submittal.

-This plan shall also be provided to the Fire District to review and compare to the County Wildland Fire Mitigation plan as well as the plan currently in placed within the Fire District.

-The Fire District is familiar with the County Wildland Mitigation standards, but will be required to review and inspection the mitigation, and monitor maintenance.

-The rezoning plans depict that the initial mitigation will be at the expense of the Owner, however the rezoning plans do not discuss how continued wildland mitigation maintenance will be completed

Response: The Forest Management Plan was submitted with the PD and was available for the District to review, it will continue to be included with all future submittals. Douglas County Wildfire Mitigation Specialist who deemed it "well designed" and "compliant for the rezone process". As the process continues, the Forest Management Plan will be adjusted (as recommended by the County WMS) to implement the strategies proposed. A commitment reflecting the parties responsible for future wildland mitigation has been added to the PD.

5. The rezoning plan, Sheet 6 of 15, Section 1.4, calls for a fire station, if required by the Fire District, and shall be of sufficient size as determined by the Owner, County, and Fire District. Typically the most appropriate size lot for a fire station is a minimum of 3 acres.

-The specific location and needs for a fire station for this development will need to be evaluated and determined, however the following factors typically play a major role in that determination:

-Within the Town of Castle Rock, Developer Fees contribute significantly to the design, construction costs, furnishing costs, fire apparatus purchases, and staffing costs of the fire station.

-In the case of this development the impacts on service delivery will certainly be present, not only in the Fire District, but the Town, however the financial support created by the impacts don't appear to exist for the costs noted above.

-There needs to be significantly more discussion with the developer and Fire District to determine the feasibility and needs of the Fire Station, as well as the funding source for the critical service to the community.

Response: Noted, References to a fire station have been removed from the PD due to their confusing nature. The Development will work with the Fire District to evaluate the necessity of a fire station.

6. The rezoning plan, Sheet 6 of 15, Section 1.4, discusses Fire Protection Systems. The notes B, C, D reference the Fire District ability to review plans to ensure compliance with the Fire Code as adopted by the County. The Fire Department is aware of the amendments made

by the County to the 2018 International Fire Code (IFC), and will work within those constraints and limitations. As noted above Fire Code noncompliance will rely heavily on support from the Sheriff's Office, since the enforcement provisions of the adopted Code in the County provide the Fire District with limited enforcement authority. The following additional concerns exist with this section of the rezoning plan:

-The majority of the service area for the Fire Departments Life Safety Division is within the Town of Castle Rock. The Town collects development permit fees which supports the functions of the Life Safety Division and our role with development plan reviews, construction inspections, and continued fire and life safety service needs from the Division.

-With this development being within unincorporated Douglas County the services we must provide are the same as in the Town, but there do not appear to be any permit fees to offset the impacts.

-It must be understood by the developer, and the County that the impacts of this development will be significant on the small existing Division responsible for all aspects of fire and life safety, unless there is additional funding to compensate for the needed staffing and inspection impacts.

-Within the Town of Castle Rock, the Life Safety Division staff is an active user of the Planning and Building Department Project Management software tool. We are automatically included in the referral and permitting review process, our reviews and permits are completed electronically and there is a reduced staffing impact as a result of that automation. This provides the best quality communication and efficiency to the end customer.

-Within the unincorporated portions of the County, within the Fire District, currently development plan reviews are completed through the County Planning e- referral system, which provides similar automation to the Town, but no ability for Fire to track required changes.

-There is currently no method for the Fire District to comment to a Water Department provider, Public Works, or the Building Department other than manual paper trails. These communications on a development of this magnitude will become essential so as not to create development changes late in the process.

-Currently, the contractor wanting to build in the unincorporated portions of the County follow this procedure:

-They submit plans directly to the Fire District, we complete a review, and provide documentation back to the contractor to provide the County.

-The County issues permits with a Fire signoff on the permit card maintained at the job site by the contractor.

-There is no electronic access to the County permitting / review system for the Fire District to provide notes, reviews, verify inspections, corrective actions, during the process.

-The only avenue available to the Fire District is to identify noncompliance or corrective issues to the Contractor and County, many times late into the project which may create impacts on the owner or the project.

-Prior to this development the majority of the areas of the Fire District, within unincorporated Douglas County, are predominantly residential and the above challenges have not been significant, however based on the size and complexity of this development some of these challenges need to be reduced to provide an efficient flow and avoid project delays.

-These review, permit, staffing, and funding concerns will require significantly more discussion with the developer, County, and the Fire District to determine the feasibility of how the District can best address the needs of the development in reference to plan reviews, inspections and construction compliance.

Response: This comment is confusing in nature. It references Section 1.4 on page 5 of the PD as pertaining to "Fire Protection Systems". It is believed that the phrase "fire protection systems" does not appear in the PD. It also references Notes B, C, and D, though none of those notes exist in that section. The majority of the content of this comment is about the County Building Permit process, which is outside the scope of the proposed rezoning. The Applicant recommends discussions between the Fire District and County Building Division to address these concerns. The comment also discusses permit fees as a funding source for the District. While the development cannot levy permit fees on behalf of the County or the District, the District is authorized in its 2009 IGA with the Town to "impose rates, tolls, fees or charges and mill levy sufficient to... pay the for the District's annual operations and maintenance expenses" itself. The development will work with the Fire District to discuss how the development's impacts can best be addressed by the District.

Sincerely,
CORE Consultants, Inc.



Kevin Rohrbough, PE
Project Team Lead

November 13, 2020

James Walker
JRW Family Limited Partnership, LLLP.
5975 E. Jamison Place
Centennial, CO 80172

**RE: ZR2020-010 - Pine Canyon Planned
Development Planning Services Post Referral
Review Letter**

Dear Mr. Walker:

The 21-day referral period for the Pine Canyon Planned Development (PCPD) is concluded. Attached to this letter is a referral comments response report, public correspondence, an example declaration of restrictive covenants, and staff redlines on the development plan. While the referral response report includes either verbatim referral responses, or a summary of all comments received, due to file size, staff has not attached separate referral letters received from referral agencies. These and all project documents are located on the Douglas County website within the Project Records Online file for Pine Canyon. These can be accessed via the following link:

<https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=RezoningJob&PosseObjectId=68578571>. All referral response letters are identified in the project file as "Referral Response _____," and can be sorted by the description heading.

A response to all referral comments must be provided in writing. The applicant resubmission should focus on addressing referral agency and staff comments and refining the development plan with a greater level of detail. Direct communication between the applicant and referral agencies may be required for resolution of issues, and it is up to the applicant to contact individual referral agencies for clarification of referral comments. Finally, as staff has received public comments on the proposal, the applicant must address public comments within the resubmission.

After evaluation of the application during the referral period, staff requires additional information and description regarding the following general topic areas:

1. Demonstration of full compliance of the PCPD with the *Douglas County Comprehensive Master Plan (CMP)* and the *Douglas County Zoning Resolution (DCZR)* approval criteria.

The Applicant has had several meetings over the last two years with County staff and has provided additional information, as requested. Updated documents included in this PD Response Resubmittal demonstrate the Application's full compliance with the CMP and DCZR. DCZR compliance is addressed in the Project Summary, CMP compliance is included in a standalone document.

2. Water and Wastewater, particularly the feasibility and management of the reduced water demand proposal, the water reuse plan, and the wastewater treatment proposal. Additional water conservation and demand management commitments and development standards need to be identified in the PCPD.

The Applicant has successfully navigated the Colorado Department of Public Health and Environment's Water Quality Control Division's approval process for a water and wastewater system, including a wastewater reclamation facility. CDPHE's Division issued Preliminary Effluent Limit for Groundwater and Reuse approval on November 11, 20-21; Land Application Management Plan approval on March 14, 2022, and Site Application approval on November 16, 2022. These approvals are all included in this PD Response Resubmittal. Additional information reflecting these successful approvals has been provided throughout the updated PD documentation.

3. Roadway and infrastructure commitments, especially mitigation of impacts to infrastructure within the Town of Castle Rock. The applicant needs to assure that improvements for right-of-way crossings are accounted for in commitments.

The Applicant held multiple meetings with CDOT, Douglas County Engineering, and the Town of Castle Rock to address mitigations. Mitigation obligations are reflected in the revised Statement of Commitments. Additionally, response letters addressing comments from all three agencies are included in this PD Response Submittal.

4. Multimodal Transportation Hub, particularly commitments, dedications, and explanation of the Colorado Department of Transportation's (CDOT) role in development of the transportation hub. The applicant should consider design standards and a more robust approach to planning this area. The PD is currently missing a clear vision for the mobility hub.

The Multimodal Transportation Hub is more thoroughly detailed. The Applicant team has retained highly regarded TOD consultants who developed an in-depth Mobility Hub description that has been added to the PD documentation. The Applicant has added specific commitments for the Mobility Hub in the Statement of Commitments. Finally, The Applicant team has separated the development standards out for this important planning area.

5. Development standards need to be supplemented, particularly through inclusion of off- street parking, landscaping, fencing, storage, and lighting standards. Additional buffering standards should be provided within areas of transition in the PD to mitigate land use conflicts at Planning Area boundaries, parks, railroads, major roadways, I-25, the Plum Creek corridor, or other sensitive areas.

Additional Development Standards have been added. Additional transition buffering has been added to the Development Standards for sensitive planning areas. Planning Area configuration also aids with buffering. Additional design details will be addressed after rezoning approval.

6. Recreation commitments, particularly how the applicant is addressing potential impacts to facilities or services in the Town of Castle Rock. The applicant will need to consider additional recreational amenities within, or in addition to, parks and trails to serve residents within Pine Canyon. Opportunities for connections to trail systems to the east of Pine Canyon are present and should be explored. Finally, the applicant will need to recalculate its proposed park land dedication as identified within staff redline comments.

The Statement of Commitments has been updated to include recreational improvement obligations. Trails are anticipated to connect to all regional trail systems. Park land dedications have been adjusted to reflect recommendations raised during multiple meetings.

7. Describe in greater detail the applicant's intent for the Walter J. Scott Riparian Park and the Cramer Homestead. There are questions as to how these will function, including but not limited to:
 - a. Is Walter J. Scott Park appropriate as a regional park, or is it better suited as open space?
 - b. How would a conservation easement function in this area?
 - c. How is the historic homestead to function when it appears to be within the middle of a conservation easement?
 - d. Proposed land uses throughout this area of the PD need to be clarified, including the presence of the proposed wastewater treatment plant in the Riparian Park.

The Applicant has revised the Walter J. Scott Riparian Preserve to reflect concerns raised during several meetings with County staff. Douglas County staff determined that a Regional Park is not desired, and the WJSRP is now classified as open space. The proposed conservation easement is better defined. Land uses have been updated, as well. The Applicant's innovative wastewater reclamation facility is now segregated and designated as a separate planning area.

8. The applicant's Natural Resources Assessment was completed in 2012. The document should be evaluated and supplemented as necessary to demonstrate the PD is consistent with the *CMP* and *DCZR* approval criteria. Topics of importance are the presence of the proposed wastewater treatment facility near the Plum Creek corridor, preservation of the Plum Creek corridor and sensitive habitat, and wildlife movement east of I-25.

Additional studies have been completed and are included. The results of these studies are reflected in the updated Statement of Commitments and in the PD documentation.

9. Assure the PD consistently addresses mitigation of impacts to physical site features. While overlot grading limits for certain Planning Areas are proposed, avoidance of geologic hazard areas, and preservation of steep slopes, viewplanes, and ridgelines is also of importance. The applicant should consider mapping no disturbance areas.

A Geologic Hazard Evaluation and Geotechnical Investigation was conducted, and responses to Colorado Geologic Survey comments are addressed both in that Evaluation and Investigation and in a separate letter included in this PD Response Resubmittal.

The Evaluation and Investigation report identified no hazardous areas of concern, and recommended proper planning and mitigation at future stages after rezoning approval. View plane and ridgeline concerns are addressed in the Statement of Commitments updates. The planning areas have been modified. More detailed site-specific designs will be secured following rezoning approval.

10. Consideration of the Colorado Interstate Gas Company Easement to the development of PA-3 and PA-4.

The easement (now owned by Black Hills Energy) is depicted on the PD, and the Development Standards for PA-3 and PA-4 have been revised to reflect buffering. Further easement impacts will be addressed in the site-specific designs following rezoning approval.

11. Remove all references to attainable or affordable housing in the PD narrative and *CMP* analysis.

References have been removed.

PROJECT SUMMARY:

12. Please reference the attached narrative redlines for additional details.

County staff acknowledged this reference is not warranted. No narrative redlines were included. The Project Summary and Narrative are updated to reflect project updates.

13. Update the executive summary, project narrative, and *CMP* Analysis as necessary to address referral comments. Avoid repetitive answers in the *CMP* Analysis or remove those policies and goals that are not pertinent to the PD application.

Project Summary, Narrative, *CMP* Analysis have all been updated. Repetition has been avoided as much as possible, and non-applicable policies and goals removed.

14. The *CMP* Analysis mentions water conservation best practices. Discuss how will these be implemented, through a metro district, HOA, or some other entity as well as development standards. Provide more details of water conservation best practices including specific measures for how this will be implemented and enforced.

The Pine Canyon Water and Sanitation District will control implementation and enforcement of all water conservation techniques, as detailed in the CDPHE-approved Land Application Management Plan and Site Application. These binding guiding documents will be used by the PCWSD throughout the planning and operation of the CDPHE-approved water and wastewater system. All approvals are included with this PD Response Resubmittal.

15. Within the executive summary include a discussion regarding connections to the existing road network including but not limited to Founders Parkway, Front Street, Liggett Road, and Woodlands Boulevard. Update the executive summary to address referral comments regarding traffic, proposed commitments (whether monetary or physical) for new road infrastructure, and timing of the roadway improvements.

The Executive Summary has been updated and now includes these details.

16. In the *CMP* Analysis, include additional discussion and details of how impacts to the existing roadway facilities will be mitigated and where Pine Canyon connections are proposed. Update the *CMP* Analysis to address referral comments related to existing roadway facilities and what steps will be taken to mitigate traffic impacts. Avoid repetitive answers in the *CMP* Analysis and remove goals and policies that are not germane to the PD proposal.

CMP Compliance Analysis has been comprehensively updated and now includes these compliance details.

PLANNED DEVELOPMENT EXHIBIT AND DEVELOPMENT PLAN:

17. See the attached Planning staff redline of the September 22, 2020 PCPD exhibit. Utilize these redlines for preparation of your resubmittal.

The redlines were utilized in the enclosed revisions.

MAJOR REFERRAL COMMENTS TO ADDRESS:

18. The applicant must continue discussion and coordination with the Town of Castle Rock regarding commitments and potential impacts from proposed development. Based upon the Town's referral comments, the applicant will need to address the following topics including but not limited to water supply, traffic, fire service, parks, trails, and recreation, and compatibility with adjacent development. Revision to dedications, commitments, and on- or offsite improvements related to impacts to services and facilities in the Town will be required.

The Applicant has continued discussions with the Town of Castle Rock staff on various topics and possible impacts. The Town's referral comments are addressed in a separate letter included with the PD Response Resubmittal. Revisions have been made to reflect Town comments. The Applicant will continue its efforts to engage with to coordinate with the Town of Castle Rock staff.

19. A referral response request was sent to Douglas County Parks, Trails and Buildings Grounds. County Parks indicated:
 - a. Douglas County will not take ownership or assume any maintenance on any park or trail.
 - b. Trails should be planned independent of roadways and 8 feet in width. Surface improvements should meet ADA standards and include improved surfacing.
 - c. Opportunities to make east-west connections between Plum Creek and Founders Parkway have regional implications.
 - d. Specific plans and designs are needed to approve park land dedication requirements. Accepted improvements include parks, trails and any capital improvement therein. Open Space areas do not count toward land dedication.
 - e. Dedicated parks do not need to meet regional park standards to receive parks credit.
 - f. Recalculation of park land dedication is based on a multiplier of 0.045 x the number of dwelling units, plus a calculation of 3% non-residential gross site acreage. Multi-family units will be based on population density models in the area.
 - g. Information on function and use of Walter J. Scott Park is needed for evaluation of credit. This may be better suited as open space.
 - h. Town of Castle Rock should be consulted on trail connectivity and recreation impacts in the area.

- i. Detailed pedestrian and railroad crossing plan information is needed.
- j. Additional recreational amenities need to be considered within, or addition to, proposed parks and trails.

The Applicant met with Douglas County Parks. The enclosed revised plans reflect these discussions.

20. A referral response request was sent to the Douglas County School District (DCSD). DCSD indicated that 1,800 dwelling units generates a school land dedication requirement of 20.65 acres. Given a 12.7-acre school site, cash-in-lieu of land dedication will be required for the balance. DCSD requests a voluntary contribution towards Capital Mitigation of \$2,701 per single-family dwelling and \$338 per multi-family dwelling unit at time of final plat. Since the hotel/spa use is considered a non-residential use and does not equate to residential units, the school district calculation may change, and communication with DCSD will be necessary.

Acknowledged.

21. A referral response request was sent to Douglas County Engineering Services and they provided comments via a separate letter dated November 6, 2020. Please reference this letter and contact Engineering Services to discuss comments or questions about their response.

Acknowledged. Douglas County Engineering comments and concerns are addressed in the PD documentation, and separate comment and response letters are included in this PD Response Resubmittal.

22. A referral response was sent to Douglas County Open Space and Natural Resources (OSNR). OSNR staff recognizes that this is a large application with many subjects to be worked through.

OSNR staff does not believe it is a good fit for OSNR to be the recipient of the dedication of the smaller open space parcels or trails. Staff does believe that OSNR could be a good fit for the dedication of the Walter J. Scott Riparian Park and Preserve. Section 9 of the *CMP* designates East Plum Creek as a Tier 1 wildlife movement corridor, specifying a 1,300-foot corridor to accommodate wildlife and reduce disturbance.

OSNR would be open to placing a conservation easement on the property as suggested in paragraph 1.1(B). OSNR suggests that the property be open to other land trusts. This parcel may be small for the Cattleman's trust; and if it is not part of a working ranch, it may not fit their model.

OSNR staff suggests that the Walter J. Scott Riparian Park is more suited to conservation and passive use than intensive, active park uses. The proposed trail connection across the parcel and East Plum Creek is an entirely acceptable passive use.

The Applicant has met with Douglas County Open Space staff multiple times. The enclosed updated plans have been updated to reflect these discussions.

23. Tri-County Health Department (TCHD) reviewed the proposal and indicated that TCHD shares concerns expressed by Douglas County's water consultant and other water and utility agencies regarding use of groundwater, and estimated reductions in water demand. TCHD shares concern regarding sustainability of groundwater cited in USGS research. TCHD shares concerns of issues expressed by the Town of Castle Rock regarding wastewater treatment facilities, although these issues may be resolvable.

TCHD has discussed the wastewater treatment site application with the Colorado Department of Public Health and Environment (CDPHE). It is likely CDPHE will require that the applicant work with the Town of Castle Rock prior to determination of the site application. TCHD concludes it is premature to approve the rezone until these issues are resolved. TCHD recommends issues of water demand and renewable water be resolved, and that the CDPHE site application be approved prior to any rezoning.

TCHD comments regarding groundwater and usage are addressed in the updated Water Appeal documentation included in this PD Response Resubmittal. Wastewater Treatment Facility comments have been addressed in the CDPHE Site Application approval process. TCHD's approval recommendation for Pine Canyon's Site Application is included.

24. Douglas County Wildfire Mitigation reviewed the proposed Pine Canyon Planned Development. The development is subject to the requirements of the Wildfire Hazard Overlay District, Section 17 of the *DCZR*. While the applicant has submitted a Forest Management Plan, the purpose as stated in that plan is to qualify the property for the NRCS EQUIP program. While the plan contains sound silvicultural strategies regarding forest stewardship, the plan will need some adjustments to meet the requirements of Section 17.

The purpose of Section 17 focuses on community protection from fires that start in the community and should consider fires that start from outside the community. The timing of activities is tied to lots being eligible for building permits. Basically, mitigation and hazardous fuels reduction activities must be completed and accepted to prior to the issuance of building permits. Often development phasing is proposed, and Wildfire works with site applicants. Wildfire looks for fuels reduction to be maintained, i.e. incorporating oak mowing and perimeter grass mowing activities into management plans. Wildfire encourages that bark mulch as a landscaping material is prohibited adjacent to structures. Wildfire requests the applicant submit the appendices to the forest management plan.

The Applicant met with Douglas County Wildfire Mitigation staff regarding comments and concerns. A letter from DCWM acknowledging that the Forest Management Plan is sufficient for rezoning approval is included in this PD Response Resubmittal

25. A referral response request was sent to the U.S. Army Corps of Engineers. Staff is awaiting comments and will forward them when received.

Acknowledged.

26. A referral response request was sent to the U.S. Fish and Wildlife Service, the USFWS indicated:

The project could involve disturbance of several acres within the Douglas County Riparian Conservation Zone, as identified in the Douglas County Habitat Conservation Plan. Thus, the project could affect habitat suitable for the Preble's meadow jumping mouse, listed as threatened under the Endangered Species Act. No critical habitat has been designated in the project area; therefore, none will be affected.

Of the 534.61 acres encompassing the Pine Canyon project, only the western-most sections of the property in the vicinity of East Plum Creek have the potential of impacting the Preble's mouse. Primarily, this would involve planning area PA-21 (the 61.9-acre proposed Walter J. Scott Riparian Park) which is planned to be preserved via a conservation easement. The 2.2-acre Cramer Homestead, PA-20, surrounds PA-21. This area will be covered with a conservation easement to ensure that it remains as an agriculturally-focused homestead. The historic homestead is proposed to be used as a headquarters for the continuing agricultural operations and shall act as a forum for educational services for school groups and other interested parties. The Service believes these goals are compatible with the protection of Preble's mouse habitat in PA-21.

We would like to see additional details regarding how Preble's mouse habitat in PA-21 would be conserved or otherwise managed.

The proposed construction of Pine Canyon, as currently described in the Development Plan, would not affect the Preble's mouse. Establishing a conservation easement for PA- 21 and transferring ownership to a land trust would be consistent with that determination. Developing and implementing a management plan for the Walter J. Scott Riparian Park and Preserve would require further consultation with the Service. Digging a large pond, building trails and picnic areas, or a number of other actions might negatively impact Preble's mice or their habitat.

The Applicant pro-actively reached out to the U.S. Fish and Wildlife Service regarding the agency's concerns. As a result of these efforts and following the Applicant's written submittal, the USFWS determined that significant portions of the site do not constitute suitable habitat. This determination is reflected in a letter, dated December 15, 2022, a copy of which is included in this PD Response Resubmittal.

27. Colorado Geological Survey (CGS) reviewed the proposal. CGS indicates:
- a. Seasonally wet and shallow groundwater areas and FEMA flood hazard areas, deposits subject to hydrocompaction, expansive soils and bedrock, and unstable slopes in excess of 25% are present based on review of previous studies for the project area.
 - b. Revised hazard mapping on site identifies debris flow susceptible area in PA-4, and landslide susceptible areas in PA-6, PA-4, and PA-10. CGS indicates geologic hazard mapping for Douglas County shows moderate-to-high erosion susceptibility through the entire site, and isolated areas of accelerated erosion within PA-16 through 19, and PA-21. PA-1 through 4, and 10 are within mapped rockfall-rockslide/debris avalanche areas.

CGS recommends:

- c. Updated geologic hazard evaluation, and preliminary geotechnical investigation.
- d. Avoidance of geologic hazard areas and potential mitigation. Proposed building sites, roads, and other improvements should be outside landslide susceptible and potentially unstable sloped areas.
- e. Cuts and fills within steep slope areas should be studied and analyzed for stability.
- f. Avoidance of development in drainages.
- g. Detailed hydrologic, geologic and subsurface investigations at each subdivision filing once lotting and grading are available.

The applicant should submit a geotechnical report to staff. It appears that an existing report has been prepared for the site. However, it is necessary to revise the report as the preliminary geotechnical report referenced is from 2012. The applicant should consider amending PD Section 4.3 Overlot Grading to address other geotechnical issues and should consider mapping areas of geologic hazards to preserve these areas from development.

The Applicant has secured an additional Geological Hazard Evaluation and Geotechnical Investigation report. CGS comments are addressed both within the Evaluation and Investigation report and in CGS's comment and response letter from November 4, 2021 included in this PD Response Submittal. A November 19, 2021 letter from CGS stating that all comments have been addressed and recommending rezoning approval is also included.

28. Douglas County Historic Preservation Board indicates that the applicant should implement recommendations of the submitted Cultural Survey Report prior to submittal of the first preliminary plan, so historical and cultural resources can be identified and protected prior to subdivision. Update PD Section 4.12 to reflect this request. Otherwise, during construction, if artifacts are discovered these should be included within Colorado Office of Archaeology and Historic Preservation (OAHP) Data Management and Historic and/or Prehistoric Component forms for proper identification.

Acknowledged. The Applicant has revised the Statement of Commitments has been updated to address this concern.

29. CDPHE states that the CDPHE Water Quality Control Division has received the applicant's site location application. CDPHE will comment on the application through standard Division processes. Please keep staff updated regarding the progress of the CDHPE site application.

The Applicant has obtained approvals from CDPHE for its site location application, and other additional approvals. These approvals are included in this PD Response Resubmittal.

30. CDOT has reviewed the proposal. CDOT requires additional information and clarification of the following main issues that the applicant will have to address in PD dedications and PD Section 2.4 Roadway Improvements:
- Estimate traffic volumes so that traffic and infrastructure impacts can be properly evaluated
 - Clarification of various offsite improvements and roadway connections, particularly east-west connections. Access permits will be required for the development where access is proposed on State Highways, where a 20% or greater increase in traffic occurs, or where a new intersection is proposed.
 - Noise will need to be addressed, in particular adjacent to I-25.
 - Transit Mobility Hub needs greater explanation in regard to timing for potential improvements, and how CDOT is expected to participate. CDOT understands the applicant is proposing to dedicate land for the Mobility Hub.

The Applicant has met with CDOT multiple times regarding these concerns. CDOT concerns are now reflected in the updated PD, and in separate comment and response letters included in this PD Response Resubmittal.

31. IREA reviewed the proposal and has indicated that an existing 115 kV transmission line and overhead electric facilities are located on the subject property. IREA will maintain these existing easements and facilities. Detailed analysis regarding easements and access to facilities will occur during future platting processes.

Acknowledged.

32. The Town of Castle Rock Water reviewed the proposal. Castle Rock Water strongly opposes the application for the following reasons:
- Reliance on non-renewable groundwater is detrimental to present and future residents.
 - Long-term sustainability and capacity of a groundwater-based system is questionable, and is being stretched thin to meet demand for development, without adequate reserves.
 - How will the proposed reuse system be managed? Is it feasible, and is it capable of meeting CDPHE standards for approval of wastewater treatment?
 - Proposal would discharge wastewater upstream of Castle Rock's drinking supply wells, posing potential harm to Castle Rock residents.
 - Wells onsite could interfere with production of already established Town wells.
 - Proposal does not suppose *CMP* policies regarding use of renewable water, regional water partnerships, and engagement in water policies based on reduction of impacts to residents of the County.
 - Proposal will harm progress made via regional partnerships through WISE for shared renewable groundwater.
 - Castle Rock Water will be required to aid Pine Canyon in the future if non-renewable supplies of water sources begin to fail. An existing provider with renewable supplies should be utilized.

It will be necessary for the applicant to engage with Castle Rock Water through the post-referral process.

Castle Rock Water's position and continued opposition are acknowledged. The Applicant has included an additional copy of its separate response letter to the Water Appeal documentation in this PD Response Resubmittal.

33. Xcel Energy has reviewed the proposal and indicated that it has existing electric transmission lines and land rights on the site. Any activity involving Xcel right-of-way or easement encroachments requires approval or a license agreement and review and approval through Xcel.

Acknowledged.

34. Cherry Creek Basin Water Quality Authority has indicated that a portion of the eastern side of the site lies within the Cherry Creek Basin. The Authority's Control Regulation 72 (CR 72) requires construction and post-construction Best Management Practices (BMPs) for that portion of the PD.

Acknowledged. BMPs are addressed in the updated Phase 1 Drainage Report included in this PD Response Resubmittal.

35. The Colorado Division of Water Resources (CDWR) reviewed the referral per the applicant's proposal. CDWR comments do not address adequacy of water supply, satisfaction of County requirements, or guarantee of a viable water supply plan for infrastructure, well permits, or the physical availability of water. Per the applicant water supply report, the proposal includes a water demand of 679.94 acre-feet per year (composed of indoor & outdoor residential use, office, retail, hotel, school and parks use, and outdoor irrigation for non-residential uses), for service from a new water and sanitation district. An amendment to existing augmentation plans may be required to allow uses specified in PD.

Acknowledged.

36. The PD was reviewed by the County's water consultant, Lytle Water Solutions (LWS). LWS reviewed all documents submitted by the applicant, including the Jehn Water Consultants, April 22, 2020 Water Supply Plan Report. The applicant has proposed a reduced water demand standard for the proposal of 679.9 acre-feet per year (with a total water supply of 709.9 acre-feet), when the Douglas County Presumptive Demand for the uses proposed is 1,611.1 acre-feet per year. LWS has the following questions and concerns regarding the proposal:
- Proper data to support the applicant's estimated demand must be provided. Are demand standards reasonable?
 - Wastewater treatment plant requires compliance with the State Clean Water Plan. Phosphorous wasteload allocations could be limited in this area. Can a wastewater treatment plant be permitted?
 - Proposed full reuse plan to utilize non-potable irrigation includes areas with direct human contact (including individual residences and schools). Such a system requires extensive sampling via CDPHE regulations. Can such a system be implemented, and is it feasible? Will the school district accept being able to only use non-potable water on its fields?
 - Provide a description of feasibility and implementation of a dual-pipe system for reuse per the ability to properly construct, manage, and fund.
 - Clarify where drip irrigation is to be utilized. Specify what areas and how water use will be limited in Pine Canyon.
 - More information needed to understand estimated demand, and the feasibility of construction of a wastewater treatment plant.
 - More information is needed regarding the Water Efficiency Plan per the accuracy of data, management, feasibility.
 - All Denver Basin aquifer water shall be reserved on the site in perpetuity.

Provide a response to LWS through Douglas County staff in order for staff to determine next steps with the review of water and wastewater and input from LWS.

Acknowledged. A separate response letter addressing these comments, including all CDPHE approvals of the wastewater system and reclamation facility, is attached to the Water Appeal documentation and is also included in this PD Response Resubmittal.

37. Colorado Parks and Wildlife (CPW) reviewed the proposal. CPW would expect mostly small to mid-sized mammals, birds, and raptors, with potential for big game (elk, deer, bear, and mountain lion) on site. Care should be taken around any raptor nests discovered. Prairie dog colonies may exist onsite, which also may provide habitat for burrowing owls. Earth- moving proposed between March 15th and October 31st requires a burrowing owl survey.

CPW indicated that the main impacts of the proposal are fragmentation and loss of habitat, which can be minimized through clustering, density reduction, and provision of open space (especially contiguous open space areas connecting to other open spaces). Careful planning should be provided for trails such that they do not cut through riparian areas and remain along the edges of open space. A weed management plan should be provided for the site.

The applicant has submitted a natural resources assessment from 2012. The assessment should be updated. The applicant will need to be able to demonstrate that the proposal is compatible with the natural environment per approval criteria within Section 1503.07. Of particular interest are sensitive habitat and species along the Plum Creek corridor portion of the PD, the location of the proposed wastewater treatment plant near this corridor, and how the applicant may be able to promote wildlife movement within the east side of the site.

Acknowledged.

MISCELLANEOUS ISSUES:

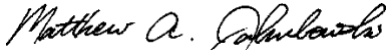
38. Douglas County highly encourages community outreach between the applicant, abutting property owners, and the public. Outreach is an important tool for gaining community support and feedback on land use proposals. The applicant should provide any outreach documentation to staff for the file. Staff has attached all public comments received to date. The applicant must respond to these comments within its post-referral resubmission.

Acknowledged. A response to public comments is included in this PD Response Resubmittal. Community outreach in the form of a neighborhood meeting is planned.

As the applicant prepares to resubmit the proposal as part of the next round of staff comments, it is imperative that a greater level of detail be provided to address PD dedications and commitments, as well as the topic areas discussed by staff and referral agencies. The applicant may wish to consider, for example, retaining consultants with specific expertise in the design and development of transit-oriented development, wildlife and natural resources, and geotechnical and soil conditions. It may be necessary for the applicant to utilize consultants as a resource for engagement with referral agencies in resolving referral comments and outstanding issues.

Staff acknowledges that once the applicant has reviewed and digested referral and staff comments, it will be necessary to meet on certain PD topics. It is recommended that discussions focus on particular topic areas, such as the multi-modal transit hub or parks, trails, and open space, rather than all commitments and dedications in general. Staff will be available for discussions as needed. Staff reserves the right to provide additional comments regarding the proposal at any time going forward, including during post referral topic discussions, and in response to future applicant resubmissions.

Sincerely,



Matt Jakubowski, AICP
Chief Planner

mjakubow@douglas.co.us



Mike Pesicka
Principal Planner

mpesicka@douglas.co.us

Attachments: *Referral Response Report*
 Public Correspondence
 Example Declaration of Restrictive Covenants
 Pine Canyon PD Development Plan - Revised 9-22-20 - PLANNING REDLINES

Referral Agency Response Report
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Project Name: Pine Canyon Planned Development

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Date Sent: 10/02/2020

Date Due: 10/23/2020

Agency	Rec'd	Agency Response	Response Resolution
Addressing Analyst	10/22/2020	No Comment.	No action necessary.
AT&T Long Distance - ROW	10/05/2020	Received: Following is a summary of the referral response from AT&T received on October 5, 2020. See the full letter for detail. No conflicts for AT&T facilities. See attached facilities map.	No action necessary.
Black Hills Energy (Aquila)		No Response Received.	No action necessary.
Building Services	10/07/2020	No Comment.	No action necessary.
Castle Pines Homes Association		No Response Received.	No action necessary.
Castle Rock Fire and Rescue Dept	10/05/2020	Received (verbatim response): Castle Rock Fire and Rescue Department had completed a detailed Fire review letter on 09-08-2020 for the project and the Town of Castle Rock will include the Fire response in the Town review comment.	Response letters included in Resubmittal address all Fire Department comments.
CDPHE - All Referrals	10/12/2020	Received (verbatim response): CDPHE does not have any comments on this referral other than to note that our Water Quality Control Division has received this site location application from the applicant and they will comment on the application through their standard Division processes.	Multiple CDPHE approvals are included in Resubmittal.
CenturyLink		No Response Received.	No action necessary.
Chatfield Watershed Authority	10/26/2020	No Comment.	No action necessary.
Cherry Creek Basin Water Quality Authority	10/21/2020	Received (verbatim response): A portion of the proposed Development on the eastern side lies within the Cherry Creek Basin. The Authority's Control Regulation 72 (CR 72) requires construction and post-construction Best Management Practices (BMPs). No information was provided on construction and post-construction BMPs with this referral. Provide information on construction and post-construction BMPs, so it can be reviewed. The Authority reserves the right to review and comment on future submittals for this project.	Comments addressed in Drainage response letter and updated Phase 1 Drainage Report.

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Date Due: 10/23/2020

City of Castle Pines		No Response Received.	No action necessary.
Colorado Department of Transportation CDOT-Region # 1	10/28/2020	<p>Received: Following is a summary of referral comments received from CDOT on October 28, 2020. See full letter for detail.</p> <p><u>Traffic Comments</u> Additional information and clarification on traffic volume projections and several proposed PD intersections requested. Comments on applicant Traffic Impact Study attached.</p> <p><u>Right-of-Way Comments</u> Relevant right-of-way (ROW) plans attached. Town of Castle Rock is owner of Liggett Road. Additional ROW for State Highway facilities (if necessary) should be conveyed via deed vs. dedication to Douglas County.</p> <p><u>Resident Engineer Comments</u> Improvements regarding connections at State Highways are responsibility of the applicant.</p> <p><u>Permits Comments</u> Access permits required for direct access to State Highway, or if development increases traffic by 20% or greater, and/or where improvements are made to an intersection. Any signage for the development cannot be within State Highway ROW, and must meet applicable rules for outdoor advertising.</p> <p><u>Other Comments</u> More information needed regarding off-site traffic impacts, traffic volume estimates, and development of east-west connections through the site. Noise needs to be addressed for planning areas adjacent to I-25. More detail from the applicant needed on the transit hub.</p>	<p>These comments, and subsequent ones provided by CDOT, are addressed in traffic correspondences and updated Traffic Impact Analysis included in the Resubmittal.</p>

	<p>CDOT has engaged in discussions regarding planning a transit mobility hub, and has prepared a preliminary design. CDOT indicates a transit hub would provide regional benefits, opportunities for rideshare, potential for passenger rail, would reduce vehicle miles travelled on I-25, and is consistent with previous planning for the area and region. CDOT understands the applicant is prepared to dedicate lands for a transit hub.</p>	
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

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Date Sent: 10/02/2020

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<p>Colorado Division of Water Resources</p>	<p>10/14/2020</p>	<p>Received: Following is a summary of the referral response received on October 14, 2020 from the Colorado Division of Water Resources (CDWR). See the full letter for detail.</p> <p>As proposal is not a subdivision, CDWR comments do not address adequacy of water supply, satisfaction of County requirements, or guarantee of a viable water supply plan infrastructure, well permit, or physical availability of water.</p> <p>Per applicant water supply report, proposal includes a water demand of 679.94 acre-feet per year (composed of indoor & outdoor residential use, office, retail, hotel, school and parks use, and outdoor irrigation for non-residential uses).</p> <p>Applicant proposes a new water provider (Pine Canyon Water and Sanitation District) that has not been formed. Applicant indicates new District owns 863.9 acre-feet of decreed water rights. An amendment to existing augmentation plans may be required to allow uses specified in PD.</p> <p>CDWR records show 3 well active permits on the site, which generally allow for a combination of residential, fire protection, farm and ranch uses, livestock watering, and limited outdoor irrigation.</p>	<p>Comments acknowledged.</p>
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<p>Colorado Geological Survey</p>	<p>10/22/2020</p>	<p>Received: Following is a summary of the referral response received from Colorado Geological Survey (CGS) on October 22, 2020. See the full letter for detail.</p> <p>CGS reviewed the proposal and indicates:</p> <p>Correct the legend on the Sheet 11 Map & Slope Analysis</p> <p>CGS acknowledges hazards identified in a previous geologic evaluation of the site: -seasonally wet and shallow groundwater areas and FEMA flood hazard areas; deposits subject to hydrocompaction; expansive soils and bedrock; and unstable slopes in excess of 25%.</p>	<p>Comments addressed in Geological Hazard Evaluation and Geotechnical Investigation and in multiple correspondences included in the Resubmittal.</p>
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

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		<p>CGS acknowledges revised hazard mapping on site, which includes: debris flow susceptible area in PA-4; and landslide susceptible areas in PA-6, PA-4, and PA-10.</p> <p>CGS indicates geologic hazard mapping for Douglas County shows moderate-to-high erosion susceptibility through the entire site, and isolated areas of accelerated erosion with PA-16 through 19, and PA-21. PA-1 through 4, and 10 are within mapped rockfall-rockslide/debris avalanche areas.</p> <p><u>CGS recommends:</u></p> <ol style="list-style-type: none"> 1. Require updated geo-hazard evaluation, and prelim geo-tech investigation. 2. Avoid geo-hazard areas, or require mitigation. Proposed building sites, roads, and other improvements should be outside landslide susceptible and potentially unstable sloped areas. 3. Cuts and fills within steep slope areas should be studied and analyzed for stability. 4. Avoid development in drainages. 5. Detailed hydrologic, geologic and subsurface investigations needed at each subdivision filing once lotting and grading are available. 	
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<p>Colorado Parks and Wildlife</p>	<p>10/20/2020</p>	<p>Received: Following is a summary of the referral response received on October 20, 2020 from Colorado Parks and Wildlife (CPW). See the full letter for detail.</p> <p><u>Impacts</u> The main impacts of the proposal are fragmentation and loss of habitat. Impacts to wildlife can be minimized through clustering, density reduction, and provision of open space. Contiguous open space areas are more beneficial to wildlife if they connect to other areas. When planning trails in the area, consideration should be given to trail impacts. Trails should not cut through riparian areas, and should remain at least 50 feet from them, and should be along edges of open space.</p> <p><u>Noxious Weeds</u> The spread of weeds should be monitored closely. CPW recommends implementation of a weed management plan.</p>	<p>Comments acknowledged and addressed throughout PD documentation.</p>
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Referral Agency Response Report
Project Name: Pine Canyon Planned Development

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		<p><u>Wildlife</u> CPW would expect a variety of wildlife on the site, mostly small to mid-sized mammals, birds, and raptors, with potential for big game (elk, deer, bear, and mountain lion). Care should be taken around any raptor nest discovered. Prairie dog colonies may exist onsite, which also may provide habitat for burrowing owls. If any earth-moving is proposed between March 15th and October 31st, a burrowing owl survey should be performed. If prairie dogs are present onsite, CPW recommends relocation or euthanasia.</p> <p>Future residents can reduce conflicts with wildlife through proper storage of trash and pet food, and by not feeding wildlife. Residents should avoid conflict with wildlife through use of pet leash laws, protection of pets and livestock not under supervision, and reducing attractants to the property.</p>	
Comcast		No Response Received.	No action necessary.
Douglas County Conservation District	10/28/2020	<p>Received: Following is a summary of the referral response received from the Douglas County Conservation District (DCCD). See full letter for detail.</p> <p><u>DCCD items addressed:</u></p> <ul style="list-style-type: none"> - Due to soil limitations on site, mitigation will be required at engineering design and construction for structures, roads, and other shallow excavations. - Recommendations provided for site preparation and maintenance regarding topsoil, re-seeding and mulching. - DCCD recommends a phased grading approach. - Weed management program recommended. - Vehicle tracking control stations recommended at entry and exit points. - Development not supported in or near drainages, or in disturbance of wetlands. - Low Impact Development Techniques recommended, and avoidance of development of sloped areas in excess of 25%. 	<p>Comments acknowledged and addressed throughout PD documentation updates.</p>

Douglas County Historic Preservation Board	10/22/2020	Received: Following is a summary of the referral comments received from the Douglas County Historic Preservation Board on October 22, 2020. See full letter for detail.	Comments acknowledged and Statement of Commitments updated to reflect comments.
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

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		<p>Applicant should implement recommendations of the submitted Cultural Survey Report prior to submittal of the first preliminary plan, so historical and cultural resources can be identified and protected prior to subdivision.</p> <p>There is a potential for buried resources on the site. Should artifacts be discovered, Colorado Office of Archaeology and Historic Preservation (OAHP) Data Management and Historic and/or Prehistoric Component forms, should be submitted to OAHP for inclusion in their database.</p>	
Douglas County Housing Partnership		No Response Received.	No action necessary.

<p>Douglas County Parks and Trails</p>	<p>11/13/2020</p>	<p>Received (verbatim response):</p> <ul style="list-style-type: none"> • Douglas County will not take ownership or assume any maintenance on any park or trail. • Suggestion for trail to exist independent from roadways, within property limits and to be 8' in width. Surface improvements to meet ADA standards and include improved surfacing. • Connecting trail from Plum Creek to Founders Parkway would have regional implications. • Specific plans/design will be needed to approve park land dedication requirements. <p>Accepted improvements include Parks, Trails and any capital improvement there in. Open Space areas will not count towards requirements.</p> <ul style="list-style-type: none"> • Dedicated parks will not need to meet Regional park standards to receive parks credit. • Recalculation of Park/Land dedication will be needed to include- .045 x Dwelling units, and gross site acreage of 3% of non-residential properties, multi-family units will be based on population density models in the area. • Information on function and use of Walter J. Scott Park needed for evaluation for credit. This may be better suited as open space. • Town of Castle Rock should be consulted on trail connectivity and recreation impacts in the area. • Detailed pedestrian Rail Road crossing plan information will be needed. • Additional recreational amenities need to be considered within, or addition to, proposed parks and trails. 	<p>Comments are addressed throughout updates to the PD.</p>
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Douglas County School District RE 1	10/23/2020	<p>Received: Following is a summary of the Douglas County School District review of the proposal. See full letter for detail.</p> <p>Proposed 1,800 dwelling units generate a school land dedication requirement of 20.65 acres. Given a 12.7-acre school site, cash-in-lieu of land dedication is required for the balance.</p> <p>DCSD requests a voluntary contribution towards Capital Mitigation of \$2,701 per single-family dwelling and \$338 per multi-family dwelling unit at final plat.</p>	<p>Clarifications added to PD and Statement of Commitments to reflect DCSD comments.</p>
DRCOG		No Response Received.	No action necessary.
Engineering Services	11/06/2020	<p>Received (verbatim response): Douglas County Engineering Services responded to the referral in a letter dated November 6, 2020.</p>	<p>Multiple meetings held to understand Engineering comments, resolutions reflected in the PD updates.</p>
IREA	10/22/2020	<p>Received: 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 an existing 115 kV transmission line and overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities. The Association has no additional comments or concerns and will address utility easement and requirements for access to the existing transmission facilities at platting process.</p>	<p>Comments acknowledged.</p>

<p>Lytle Water Solutions, LLC</p>	<p>10/23/2020</p>	<p>Received: Following is a summary of the referral response received from Lytle Water Solutions (LWS) on October 23, 2020. LWS reviewed the rezoning, water appeal and service plan in the same letter. See letter for detail.</p> <p>LWS reviewed all documents including the Jehn Water Consultants, April 22, 2020 Water Supply Plan Report</p> <p><u>Estimated Water Demand</u> Applicant has proposed a reduced water demand standard for the proposal.</p>	<p>All LWS comments addressed in Water Appeal documentation.</p>
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Referral Agency Response Report***Page 8 of 14*****Project Name:** Pine Canyon Planned Development**Project File #:** ZR2020-010**Date Sent:** 10/02/2020**Date Due:** 10/23/2020

		<p>Total Demand: Applicant 679.9 acre-feet (af) vs. Douglas County Presumptive Demand 1,611.1 af Total Water Supply: 709.9 af</p> <p><u>LWS is concerned:</u></p> <ul style="list-style-type: none"> - Data to support estimated demand. - New wastewater treatment plant requires compliance with the State Clean Water Plan. Phosphorous wasteload allocations could be limited in this area. - Proposed full reuse plan to utilize non-potable irrigation includes areas with direct human contact (including individual residences and schools). Such a system requires extensive sampling via CDPHE regulations. - Need description of feasibility and implementation of a dual-pipe system for reuse per the ability to properly construct, manage, and fund. - Clarify where drip irrigation is to be utilized. Specify what areas and how water use will be limited in Pine Canyon. - More information needed to understand estimated demand, and the feasibility of construction of a wastewater treatment plant. <p>LWS is concerned that water supply (709.9 af) falls short of the County's presumptive demand (1,611.1 af). For sufficient water supply, the applicant needs to address (1) if a wastewater treatment plant can be permitted, (2) can a full reuse system be implemented, and (3) are demand standards reasonable.</p> <p>The remainder of the letter concerns the technical detail of the Water Appeal based on the applicant September 17, 2020 Water Efficiency Plan. The Water Appeal is required due to the applicant's request for a reduced water demand standard. LWS concerns regarding the Water Efficiency Plan center on accuracy of data, management, feasibility, and the need for more detail.</p> <p><u>Summary</u></p> <p>LWS indicates there is not sufficient information to approve an appeal of presumptive water demand standards, and it is unknown whether a wastewater treatment system and full reuse plan are feasible. LWS indicates that all Denver Basin aquifer water should be reserved in perpetuity.</p>	
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Office of Emergency Management		No Response Received.	No action necessary.
Open Space And Natural Resources	11/05/2020	<p>Received: Following is a summary of comments received from Douglas County Open Space and Natural Resources. For full details see letter dated November 2, 2020.</p> <p>Douglas County Open Space (DCOS) staff recognizes that this is a large application with many subjects to be worked through.</p> <p>DCOS staff does not believe it is a good fit for DCOS to be the recipient of the dedication of the smaller open space parcels or trails.</p> <p>Staff does believe that DCOS could be a good fit for the dedication of the Walter J. Scott Riparian Park and Preserve. Section 9 of the DC Comprehensive Master Plan designates East Plum Creek as a Tier 1 wildlife movement corridor, specifying a 1300' corridor to accommodate wildlife and reduce disturbance.</p> <p>The Division would be open to placing a conservation easement on the property as suggested in paragraph 1.1(B). We suggest the property might be good to be open to other land trusts. This parcel may be a bit small for the Cattleman's trust; and if it is not part of a working ranch, it may not fit their model.</p> <p>DCOS staff suggests that the Walter Scott Riparian Park is more suited to conservation and passive use than intensive, active park uses. The proposed trail connection across the parcel and East Plum Creek is an entirely acceptable passive use.</p>	Multiple meetings held to understand OSNR comments, PD updated to reflect resolutions.
RTD - Planning & Development Dept		No Response Received.	No action necessary.
Sheriff's Office	10/05/2020	No Comment.	No action necessary.
Sheriff's Office E911		No Response Received.	No action necessary.

Town of Castle Rock	10/23/2020	Received (verbatim response): The Town of Castle included a Resolution from the Town Council stating their opposition to the submittal of a site application by the applicant to the Colorado Department of Public Health and	Town of Castle Rock comments addressed in letters included in Resubmittal.
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		Environment for a new wastewater treatment plant to serve the Pine Canyon Development.	
Town of Castle Rock	10/23/2020	Received (verbatim response): The Town of Castle Rock provided a detailed referral response letter and redlined documents that included but is not limited to comments on impacts to municipal roads, insufficient water supply, parks and recreation and trails. Please letter dated 10/23/2020 for details.	Town Staff referral comments addressed in letter included in Resubmittal. PD updated to reflect comments.
Town of Castle Rock	10/23/2020	Received (verbatim response): The Town of Castle Rock Water provided a detailed referral response letter in regards to the applicant's Water Appeal to allow for the proposed Pine Canyon development to be served by a non-renewable water supply, further depleting the Denver Basin aquifer. Please review the letter from Castle Rock Water dated 10/23/2020 for details.	CRW comments addressed in letter included in Water Appeal documentation.
Town of Castle Rock	10/23/2020	Received (verbatim response): The Town of Castle Rock has submitted referral comments for the Pine Canyon Water Appeal and PD Rezoning. There are several attachments labeled A through K that accompany the PD Rezoning referral comments, however some of those files are too large to be accepted by the Project Pro system. What Pro would accept has been uploaded. Dropbox links are being emailed to the Project Manager which contain the complete set of referral comments on both the Rezoning and the Water Appeal. Thank you.	Attachments acknowledged and addressed where appropriate.

<p>Town of Castle Rock Water</p>	<p>10/23/2020</p>	<p>Received: Following is a summary of the comments received from the Town of Castle Rock Water (TCRW). See full letter for detail.</p> <p>TCRW strongly recommends denial of the proposal for the following reasons: - Reliance on non-renewable groundwater is detrimental to present and future residents. TCRW questions the long-term sustainability and capacity of a groundwater-based system that in its opinion is being stretched to meet demand for development, without adequate reserves. TCRW questions how the proposed reuse system can be managed, whether it is feasible, and whether it is able to meet CDPHE standards for approval of wastewater treatment. TCRW indicates the proposal would discharge wastewater upstream of Castle Rock's drinking</p>	<p>CRW comments addressed in letter, and with CDPHE approvals, included in Water Appeal documentation.</p>
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

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		<p>supply wells, posing potential harm to Castle Rock residents. TCRW is concerned that Pine Canyon wells could interfere with production of already established TCRW wells. TCRW indicates that the proposal does not support Douglas County Comprehensive Master Plan policies promoting use of renewable water, regional water partnerships, and water policies that mitigate detrimental impacts to residents of the County. TCRW is concerned that the proposal will harm progress made via regional partnerships through WISE for shared renewable groundwater. TCRW is ultimately concerned it will be required to come to the District's aid at some point in the future if non-renewable supplies of water begin to fail. TCRW requests that the applicant utilize an existing provider for a renewable supply.</p> <p>Attached are Town of Castle Rock resolutions in opposition of the proposal, letters of opposition from surrounding water providers, and a technical analysis by TCRW's consultant of potential well-field draw down impacts by Pine Canyon on TCRW wells.</p>	
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<p>Tri-County Health Department</p>	<p>10/22/2020</p>	<p>Received: Following is a summary of the referral response received from Tri-County Health Department (TCHD) on October 22, 2020. See full letter for detail.</p> <p><u>General</u></p> <ul style="list-style-type: none"> - Applicant submitted a copy of it's Site Application to Colorado Department of Public Health and Environment (CDPHE) for its proposed Wastewater Treatment Facility (WWTF). - Applicant proposes exclusive use of groundwater for the development. Applicant submitted documents indicating proposed quantity and quality of the system. <p><u>Water Utilities</u></p> <ul style="list-style-type: none"> - TCHD shares concerns expressed by Douglas County's water consultant and other water utility agencies regarding use of groundwater, and estimated reductions in water demand. - TCHD shares concern regarding sustainability of groundwater cited in USGS research. 	<p>TCHD comments addressed with CDPHE approvals and water supply plan/water appeal updates.</p>
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Referral Agency Response Report

Project Name: Pine Canyon Planned Development

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		<p><u>Wastewater Facilities</u></p> <ul style="list-style-type: none"> - TCHD shares concerns of issues expressed by Town of Castle Rock regarding wastewater treatment facilities, although these issues may be resolvable. - TCHD has discussed the WWTF site application with CDPHE. It is likely CDPHE will require the applicant work with the Town of Castle Rock prior to determination of the site application. <p><u>Conclusion</u></p> <p>TCHD concludes it is premature to approve the rezone until these issues are resolved.</p> <p><u>Recommendation</u></p> <p>TCHD recommends issues of water demand and renewable water be resolved, and that the CDPHE site application be approved prior to any rezoning.</p>	
Urban Drainage & Flood Control District – Floodplain	10/25/2020	<p>Received:</p> <p>Following is a summary of the referral response received from Mile High Flood District (MHFD) on October 25, 2020. MHFD staff reviewed this proposal only as it relates to maintenance eligibility of storm drainage features or major drainageway improvements. We have no comments to offer on this project as the project is located outside of the MHFD boundary. MHFD will not need to see future referrals for this project or development.</p>	Comment acknowledged.
US Army Corp of Engineers		<p>Received (verbatim response):</p> <p>Awaiting response to referral comments.</p>	Acknowledged.

<p>USDOI Fish & Wildlife Service</p>	<p>11/10/2020</p>	<p>Received: Following is a summary of comments received from the US Fish and Wildlife Service. For detailed comments please see the letter from US Fish and Wildlife dated November 10, 2020.</p> <p>The project could involve disturbance of several acres within the Douglas County Riparian Conservation Zone, as identified in the Douglas County Habitat Conservation Plan. Thus, the project could affect habitat suitable for the Preble's meadow jumping mouse, listed as threatened under the Endangered Species Act. No critical habitat has been designated in the project area; therefore, none will be affected.</p> <p>Of the 534.61 acres encompassing the Pine Canyon project, only the western-most sections of the property in the vicinity of East Plum Creek have the potential of impacting the Preble's</p>	<p>Comments acknowledged and reflected in updates to PD and with letter of "no taking" provided by USWFS.</p>
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Referral Agency Response Report

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		<p>mouse. Primarily, this would involve planning area PA-21 (the 61.9-acre proposed Walter J. Scott Riparian Park) which is planned to be preserved via a conservation easement. The 2.2-acre Cramer Homestead, PA-20, surrounds PA-21. This area will be covered with a conservation easement to ensure that it remains as an agriculturally focused homestead. The historic homestead is proposed to be used as a headquarters for the continuing agricultural operations and shall act as a forum for educational services for school groups and other interested parties. The Service believe these goals are compatible with the protection of Preble’s mouse habitat in PA-21.</p> <p>We would like to see additional details regarding how Preble’s mouse habitat in PA-21 would be conserved or otherwise managed.</p> <p>The proposed construction of Pine Canyon, as currently described in the Development Plan, would not affect the Preble’s mouse. Establishing a conservation easement for PA-21 and transferring ownership to a land trust would be consistent with that determination. Developing and implementing a management plan for the Walter J. Scott Riparian Park and Preserve would require further consultation with the Service. Digging a large pond, building trails and picnic areas, or a number of other actions might negatively impact Preble’s mice or their habitat.</p> <p>We appreciate your request for assistance and encourage you to contact us again if the scope of the project changes or new information indicates that the project may result in take of listed species.</p>	
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Wildfire Mitigation	10/27/2020	Received (verbatim response): The Pine Canyon Planned Development is subject to the requirements of the Wildfire Hazard Overlay District, Section 17 of the Douglas County Zoning Resolution. While the applicant has submitted a Forest Management Plan, the purpose as stated in that plan is to qualify the property for the NRCS EQUIP program. While the plan contains sound silvicultural strategies regarding forest	Meetings held with DCWM staff and resolved, yielding approval letter from DCWM staff (included in resubmittal).
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Referral Agency Response Report

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		<p>stewardship the plan will need some adjustments to meet the requirements of Section 17. The purpose of Section 17 focuses more on community protection from fires that start in the community and should consider fires that start from outside the community. The timing of activities is tied to lots being eligible for building permits. Basically mitigation/hazardous fuels reduction activities must be completed and accepted prior to the issuance of building permits. Often development phasing is proposed and we try to be as flexible as possible. We also looked for fuels reduction to be maintained, i.e. oak mowing and perimeter grass mowing activities be incorporated into management plans. We also encourage the development not to allow bark mulch as a landscaping material immediately adjacent to structures. Some items for the applicant to consider as they progress through the land use process.</p> <p>I also request the applicant submit the appendices to the forest management plan.</p>	
<p>Xcel Energy-Right of Way & Permits</p>	<p>10/22/2020</p>	<p>Received: Following is a summary of referral comments received from Xcel Energy (Xcel) on October 22, 2020. See full letter for detail.</p> <p>There is a potential conflict, as Xcel has existing electric transmission lines and land rights on the site. Any activity involving Xcel right-of-way or easement encroachments requires approval or a license agreement. Xcel requests prior to any approval of the development plan that the applicant contact Xcel for assignment of a land rights agent.</p>	<p>Comments acknowledged, and Xcel contacted as requested.</p>