

Preliminary Plan Staff Report

Date: May 15, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Mike Pesicka, Principal Planner
Jeanette Bare, AICP, Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: Range Preliminary Plan
Project File: SB2024-048

Planning Commission Hearing:	May 5, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	May 27, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of a preliminary plan for 550 single-family detached residential lots, 8 tracts, and associated public roads on approximately 399 acres in the Range Planned Development (PD). The site is located in northwest Douglas County at US Highway 85 (Highway 85) and Airport Road. The site is located within the Louviers Rural Community as identified in Section 4.5 of the 2040 Douglas County Comprehensive Master Plan.

Access will occur via two public road connections to Highway 85. Water and sewer services are provided by the Range Metropolitan District through an intergovernmental agreement (IGA) with Dominion Water and Sanitation District.

At the May 5, 2025, public hearing, the Planning Commission recommended approval of the preliminary plan by a vote of 7 to 0, with the conditions proposed by staff.

II. APPLICATION INFORMATION

A. Applicant

NL Range, LLC
8678 Concord Center Dr., Ste 200
Englewood, CO 80112

B. Applicant's Representative

Troy Bales
Rick Engineering Company

8678 Concord Center Dr. Ste 200
Englewood, CO 80112

C. Request

The applicant requests approval of a preliminary plan consisting of 550 single-family residential lots, 8 tracts, and associated public roads on approximately 399 acres within the Range PD.

D. Process

A preliminary plan application is processed pursuant to Article 4 of the Subdivision Resolution. Article 4 states the intent of the process is “An in-depth analysis of the proposed subdivision, including a review of the design considering the ability to obtain water and sanitation, identified geologic hazards, environmentally sensitive areas, wildlife habitat areas, source of required services, vehicular and pedestrian circulation, storm drainage and water quality, relationship to surrounding land uses, and conformance with the Master Plan.”

Per Section 405.08 of the DCSR, “The Board shall evaluate the preliminary plan, staff report, referral agency comments, applicant responses, Planning Commission recommendations, public comment and testimony, and shall either approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Board’s action shall be based on the evidence presented; compliance with adopted County standards, regulations, and policies; and other guidelines.”

E. Location

Range is located on the east side of Highway 85 at the intersection of Airport Road and Highway 85. The preliminary plan abuts the Highlands Ranch Backcountry to the east. The attached vicinity map, zoning map, and aerial map highlight site location and existing conditions.

F. Project Description

This preliminary plan application is for 550 detached single-family residential lots within the Range PD. Lots are generally clustered in two development areas, north and south of the Daniels Park Drainage, with open space tracts and buffer areas providing separation from adjacent residential and open space properties. Lots are located outside the projected 65 DNL noise contour from the abutting highway.

The residential lots are located in Planning Areas 1 and 2 (PA-1 and PA-2) of the Range PD. Proposed lots range in size from 5,625 to 23,854 square feet with a minimum lot area requirement of 4,000 square feet, and a maximum building height of 35 feet. All lots are designed to accommodate detached single-family dwellings.

The Range Metropolitan District (the “Metro District”) will own and maintain the 8 tracts proposed within the preliminary plan area for open space, trails, drainage,

landscape, and utilities. Proposed Tracts OS-1, OS-2, and OS-3 are intended for open space purposes, including drainage and utilities and comprise approximately 60% of the total preliminary plan acreage. As required by the PD, open space tracts will be subject to an open space protection agreement with Douglas County.

Tract A will contain a future community amenity. Tracts B, C, D, and E will be for landscaping, drainage, and utilities. Stormwater facilities will be owned and maintained by the Metro District, with the County accepting standard backup drainage easements. Roads will be public and conveyed to the County with the subsequent final plats.

The preliminary plan shows two points of access to Highway 85. Various right-of-way dedications, easements, and improvements are identified in the PD and more specifically addressed in the Traffic Impact Analysis (TIA) for the project. Water and sewer service will be provided through an agreement between the Metro District and Dominion Water and Sanitation District (DWSD). Various water and sewer improvements are necessary to extend services from Sterling Ranch and Louviers to the Range subdivision located on the east side of Highway 85. These improvements will be subject to Location and Extent approval and will be financially secured with the final plat or other appropriate mechanism.

III. CONTEXT

A. Background

The parcel has historically been used for agricultural purposes. The property was rezoned from Agricultural One (A-1) to the Range Planned Development in 2021.

B. Adjacent Land Uses and Zoning

The current preliminary plan request is adjacent to Highway 85 on the west and the Highlands Ranch Backcountry to the east. The following table reflects those zone districts and land uses surrounding the PD.

Zoning and Land Use

Direction	Zoning	Land Use
North	Rural Residential (RR)	Single-family residential in Cherokee Ridge Estates
South	Agricultural One (A-1)	Agricultural
East	Planned Development (PD)	Highlands Ranch Backcountry
West	Planned Development (PD) and Agricultural One (A-1)	Recreational vehicle storage in Kelly East PD; Single-family residence and agricultural

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The site generally consists of rolling hills and drainages which slope east to west towards Highway 85. Areas of highest elevation are within the southeast corner of the property. Slopes of 20 percent or greater are present throughout the site, most of which have been included in the OS-1 planning area of the PD and reflected in open space tracts on the preliminary plan. Due to the historic use of the property for agricultural and ranching purposes the site currently contains two residences, a horse barn, corrals, paddocks, and other agricultural outbuildings. The only structure that is proposed to remain is the horse barn. The remainder of the property consists of Gambel oak, trees, and native grasses. A 100-year floodplain, identified on the PD plan as the Daniels Park Drainage, bisects the site and its limits are depicted within Tracts OS-1 and OS-3.

B. Access

Two access points are proposed to the Range development via Highway 85. The northern (primary) access will tie into the Airport Road intersection with Highway 85 and be a full movement access. This access will likely change with the future improvements planned to the intersection by CDOT and Douglas County. The second access point connects further to the south and will restrict left turns onto southbound Highway 85. A Traffic Impact Analysis for the project has been reviewed and accepted by Engineering. The approved PD contains the following commitments to mitigate traffic impacts as shown on the preliminary plan and will be secured at time of final plat, including:

- Construction of northbound acceleration and deceleration lanes on Highway 85 at the secondary (southern) access.
- Construction of a northbound deceleration lane on Highway 85 at the primary (northern) access.
- Dedication of a 7-acre parcel for a future interchange at Airport Road on Highway 85.
- A payment of \$2,985 per dwelling unit for regional transportation improvements.
- A pro-rata financial contribution to improvements on the west leg of the intersection at Highway 85 and Airport Road.

The northern access point into the development will cross a small area of private property. The applicant is coordinating with that property owner to identify the limits of the area to be purchased for that access. The size and configuration of the purchase will be finalized at the time of final plat and is intended to be limited to the area required for maintenance of any proposed improvements and disturbed areas requiring revegetation.

C. Soils and Geology

The CMP Class 3 Hazards and Environmental Constraints map indicated no constraints on the site. Colorado Geological Survey (CGS) reviewed the request and noted that the geotechnical recommendations in the subsurface soil study provided by the applicant are valid. CGS has no objection to the preliminary plan if the recommendations, specifically with regard to overexcavation and replacement, are rigorously adhered to.

D. Drainage and Erosion

Engineering has reviewed the Phase II Drainage Report and found it to be acceptable. The Metro District will own and maintain stormwater facilities with the County to accept backup drainage easements via the final plat.

E. Floodplain

There is mapped 100-year floodplain on the site. The Daniels Park Drainage flows from east to west towards Plum Creek. All residential lots will be located outside of the 100-year floodplain. There are two proposed roads that will cross the floodplain. According to the applicant there will be two filings at the time of final plat. The first filing will be south of the Daniels Park drainage and the second will be north of the drainage.

The second filing, located in the northern portion of the property, depicts two road crossings of the Daniels Park drainage for which a Conditional Letter or Map Revision (CLOMR) to the 100 year floodplain will be required. The applicant has coordinated with the Mile High Flood District (MHFD) and Engineering Services regarding the floodplain revision and both parties have indicated that plans are sufficient to move forward with the preliminary plan request. Approval of the CLOMR must be obtained prior to approval of the final plat for this portion of the preliminary plan.

F. Wildlife

The CMP Wildlife Resources map identifies the site as having both moderate and high habitat value. The entire site is within an overland connection. The far southern portion of the site includes a wildlife crossing area. While the majority of the site is moderate habitat value, a high habitat area is located adjacent to the wildlife crossing area along the south side of the property. The area with high habitat value is preserved within an open space tract on the preliminary plan. As established by the Range PD, continued wildlife movement will be provided through open space tracts on the property. Colorado Parks and Wildlife stated that their previous comment letter for the Range PD will still serve as the comment of record. In general, the review letter provided comments on habitat, trails, noxious weeds, wildlife, raptors, prairie dogs, burrowing owls, and living with wildlife. CPW indicated the importance of buffering development from the Highlands Ranch Backcountry.

The proposal preserves approximately 240 acres (60 percent) of the site as open space planning areas. The existing Daniels Park Drainage is preserved within an open space tract as shown on sheet 28 of the preliminary plan. Proposed wildlife movement corridors are identified within the preliminary plan along trail corridors proposed

within residential planning areas of the property. Open space areas have been further sited to preserve areas of significant slopes and vegetation.

The applicant submitted a wildlife protection plan with the application. The applicant has committed that the owner or the Metro District shall implement the recommendations with the study at the time of final plat. Additionally, the applicant is implementing wildlife friendly fencing standards with the preliminary plan, consistent with recommendations from CPW, and will carry over those standards with the subsequent final plats.

G. Historic Preservation

Douglas County Historic Preservation reviewed the proposal and indicated that the cultural resource survey provided by the applicant identified multiple cultural sites, but the sites will not be disturbed. The Douglas County Curator has no further recommendations on the proposed preliminary plan but recommends that should buried artifacts and features be discovered, the applicant should complete the appropriate Colorado Office of Archaeology and Historic Preservation Data Management and Historic and/or Prehistoric Component forms and submit them to the OAHP for inclusion in the Colorado OAHP state-wide cultural resource database.

H. Wildland Fire Mitigation

The applicant submitted a wildfire mitigation plan for the site. The Douglas County Wildfire Mitigation Specialist has approved the plan. Subdivision wide mitigation will be required prior to the issuance of the first residential building permit following recordation of the plat. A copy of the plan is included within the staff report attachments.

V. PROVISION OF SERVICES

A. Schools

The Douglas County School District (DCSD) had no objection to the application. DCSD has calculated the number of students that are expected from the development to be 495 which would equate to a total land dedication of 11.68 acres. DCSD is requesting cash-in-lieu of land dedication based on the full market value of the acreage required for school land dedication. Value shall be based on anticipated market value after platting is completed. DCSD requests that the cash-in-lieu fee be paid directly to DCSD, in one lump sum, prior to issuance of the first residential building permit.

B. Fire Protection

South Metro Fire and Rescue (SMFR) provides fire and emergency services for the subdivision. SMFR stated they have no objection to the proposed preliminary plan.

C. Sheriff Services

The Douglas County Sheriff's Office (DCSO) will provide police protection to the site. Responses were not received from the DCSO or E911. The Office of Emergency Management reviewed the request and had no concerns with the project.

D. Water

The Metro District will provide retail water and sewer services to the development. A will serve letter was provided by the Metro District for this preliminary plan. The Metro District is required to enter into an Intergovernmental Agreement (IGA) with Dominion Water and Sanitation District (DWSD), the wholesale water provider, to purchase water from DWSD for service to the development. DWSD also provided a will serve letter outlining the amount of water available to commit to the Range and the conditions by which the water will be provided. The DWSD will serve letter, included in the staff report attachments, states that the 550 single family homes have a project demand of 137.5 acre-feet/year. The calculation is based on a standard of 0.25 acre-feet/year per single-family equivalent. This water can be used for both indoor and outdoor uses for each single-family use. A separate irrigation tap is available for purchase by the Metro District to provide water for other outdoor irrigation areas. The quantity of water will be based on the acres of irrigated property and will not exceed 60.1 acre-feet/year. The Range's total water demand is 197.6-acre feet/year.

DWSD's approved firm water supplies totaling 2,457 acre-feet/year will be used to provide 137.5 acre-feet/year for the 550 single family lots in the Range PD, and up to a total of 197.6 acre-feet/year to include potential irrigation needs.

The Colorado Division of Water Resources (DWR) reviewed the application and stated the proposed water supply is adequate and can be provided without causing injury to decreed water rights. The County's water consultant reviewed the application and stated that there is sufficient water to serve the uses proposed in this application contingent upon the Metro District satisfying all conditions and commitments required by the IGA. The consultant indicated that the water demand standard of 0.25 acre-foot/year per single family lot was sufficient to serve the water needs of the Range subdivision. This standard corresponds to recent water use data available for large lot residential properties in Sterling Ranch.

The water service IGA provides that development in the Range will be subject to DWSD's adopted water demand management and water conservation practices, including landscape restrictions. Specifically, the IGA requires that the Metro District adopt a DWSD-approved Water Conservation Plan that minimizes water usage and loss and includes language and other components in DWSD's template or the Colorado Water Conservation Board's Guidebook of Best Practices for Municipal Water Conservation. In its will serve letter, the Metro District has committed to install

dual water meter systems which will allow the Metro District and homeowners to separately monitor indoor and outdoor water use.

The applicant recorded a Declaration of Restrictive Covenants to reserve underground water in perpetuity for the benefit of future property owners with the approval of the Range PD. The applicant will be required to obtain a release of the Declaration of Restrictive Covenants prior to recordation of the final plat.

Infrastructure requirements include extension of off-site water lines from the Sterling Ranch water distribution system to the development and a master meter water vault located adjacent to Louviers Water and Sanitation District. The Metro District indicates that its approved service plan anticipated these off-site improvements and that it is physically and financially feasible to construct all necessary water lines and other facilities to serve the subdivision. Location and Extent applications for these improvements must be submitted and approved prior to approval of the first final plat. Improvements will be secured through required improvement agreements or other appropriate mechanisms at the time of final plat.

E. Sanitation

Wastewater treatment services will be provided by the Metro District through an IGA with DWSD. The Douglas County Health Department has a favorable recommendation regarding the proposed method of sanitary service.

Infrastructure requirements include construction of a lift station and force main to be located at the LWSD sewer lagoon that will be paid for by the Metro District and designed and constructed by DWSD. The Metro District will be responsible for constructing a sewer interceptor between the Range property and the lift station. The Metro District indicates that its approved service plan anticipated these off-site improvements. Location and Extent applications must be submitted and approved for these improvements prior to approval of the first final plat. The improvements will be included in the subdivision improvements agreement.

F. Utilities

Area utility service providers were provided a referral on this application. Xcel Energy has requested that existing and new utilities be labeled on the plans and the applicant has updated the preliminary plan accordingly. CORE Electric Cooperative (CORE) reviewed the request and provided comments regarding existing facilities and lot utility easements. The applicant revised the preliminary plan to address CORE's comments. AT&T responded to the referral request and stated that there should be no conflicts with AT&T long line facilities. No other utility provider issued comments on the application.

G. Dedications

The following dedications are anticipated at the time of final plat.

Dedicated Element	Purpose, Ownership, and Maintenance
Roads	Roads will be public and conveyed to Douglas County.
Tracts	The Range Metro District will accept ownership and maintenance of Tracts A through E, and Tracts OS-1, OS-2, and OS-3.
Drainage and Blanket Access Easements	Douglas County will require a secondary drainage easement for all drainage facilities at the time of final plat in the event that the system owner fails to maintain the improvements.
Utilities	Douglas County will accept general purpose utility easements.

H. Parks and Trails

The preliminary plan includes one five-acre tract (Tract A) which is intended for a community amenity. Trails are located within open space tracts and provide multiple connections through and around the property. These tracts will be owned and maintained by the Metro District. The total required park land dedication for 550 dwelling units is 24.75 acres. The applicant will be required to submit an appraisal to value the park land dedication requirement at the time of final plat. Park credits for planned recreational facilities and trails will be evaluated at that time. Any required cash-in-lieu of park land dedication fees will be paid prior to final plat recordation.

I. Open Space

The preliminary plan includes three tracts accounting for approximately 242 acres which are intended for open space, trails, and related purposes. These tracts will be owned and maintained by the Metro District. Trails are proposed within the various open space tracts and will connect to other portions of the PD. Trails are intended to be a combination of concrete and stabilized dirt trails and be a minimum of eight feet wide. As required by the PD, three of the open space tracts will be subject to an open space protection agreement.

VI. PUBLIC NOTICE AND INPUT

In accordance with Section 408 of the Subdivision Resolution, public notice is required to be published in the Douglas County News-Press and posted on the site by the applicant. There were no public comments received as part of the public notice process.

Courtesy Notices were mailed to abutting property owners. Referral response requests were sent to nearby HOAs and community groups, including Chatfield Community Association, Chatfield East HOA, Cherokee Ridge Estates HOA, Highlands Ranch Community Association (HRCA), and the Louviers Conservation Partnership. Letters were received from Cherokee Ridge Estates HOA and HRCA and are included in the attachments to the staff report. Two letters were received from adjacent property owners and are included in the attachments to the staff report. Comments from the public and HOAs generally concerned impacts of additional traffic to Highway 85 and other potential

impacts to wildlife, dark skies, and noise. The Highlands Ranch Community Association requested additional buffers and the provision of fencing to restrict access to its Backcounty trail system. The applicant responded that the additional buffers were provided as requested at the time of approval of the PD. The preliminary plan is consistent with the PD. Fencing within the PD is restricted to allow for continued wildlife movement through the subdivision.

The Sterling Ranch Development Company (SRDC) submitted a letter regarding the Highway 85 corridor highway fees that Sterling Ranch is required to pay. The SRDC stated that the applicant should be required to pay the same impact fee per lot as the Sterling Ranch PD and Solstice PD. As noted by the applicant, the specific fee commitment (\$2,985 per lot) was established with the approval of the Range PD and took into account the dedication of 7-acres of the Range property to the County for future Airport Road interchange improvements.

Correspondence was received from an adjacent landowner, the Poets, regarding the proposed crossing of a portion of their property by the northern access drive into the Range subdivision. The applicant will need to obtain deeds or easements for the road and utility crossings. The Poets also requested a 1,000-foot setback from their property line for any future wells which might be drilled on the Range property. The applicant is continuing to coordinate with the Poets on obtaining easements or deeds to allow for roads and utilities to cross private property. These plans will be finalized as part of the final plat application in accordance with correspondence between the applicant and Poets dated April 19, 2025.

The applicant has provided a written response to public and referral agency comments and is prepared to address its responses during the Board of County Commissioners public hearing.

VII. PLANNING COMMISSION HEARING

At the May 5, 2025, public hearing, the Planning Commission recommended approval of the preliminary plan by a vote of 7 to 0, with 13 conditions proposed by staff.

One member of the public commented on the preliminary plan. Susan Poet, the adjacent property owner, expressed concerns with the application which she noted were being worked out through ongoing discussions with the applicant. She requested that the Commission consider conditions of approval including: requiring a shared access agreement, establishing a 1,000-foot setback from their property line be applied to any new wells drilled on the Range development, requiring the Range's acquisition of 1.5 acres of their land for northern access into the subdivision, and providing an opportunity to be involved in the review of Location and Extent applications for the necessary water and sewer infrastructure.

Andrea Cole from DWSD responded to the request regarding the 1,000-foot well separation. She indicated that DWSD has no immediate plans to drill wells on the Range property, and the Colorado Division of Water Resources (CDWR) has minimum setback standards and reviews any request for a new well permit to ensure that existing water rights and wells are not materially injured. Staff indicated that they would reach out to the County's water consultant before the Board hearing. The consultant has since provided the opinion that a 1,000-foot well setback is not necessary given the CDWR's existing standards and review processes.

Staff indicated that the acquisition of land from the Poet's for the northern access point was already included in a proposed condition. The applicant stated that they will work with the neighbor on access easement agreements at the time of final plat, and a proposed condition (#4) addressing the issue has been incorporated into the staff assessment.

Staff stated that the property owner would have an opportunity to provide input on the Range's Location and Extent applications and if any easements were necessary from the Poet's, those would need to be obtained by the Range prior to commencement of construction. As requested by the Commission, staff stated that they would communicate the Poet's requested conditions to the Board as part of its upcoming staff report and hearing presentation.

VIII. STAFF ANALYSIS

A preliminary plan may be approved upon the finding by the Board that the preliminary plan:

403.01: Conforms with the goals, objectives, and policies of the Master Plan.

Staff Comment: The property is located within the Louviers Rural Community as identified in Section 4 of the CMP. The CMP states that while approval criteria for land use applications requires a finding of compliance with the CMP, "...the competing values of the Plan must be balanced through the public review process to achieve the larger vision of the community." The CMP acknowledges its competing values, and that implementation can only be achieved through the balancing of community values during the development review process.

Goals, objectives, and policies within Section 4 reflect the diversity of the CMP. While some policies reference development character, lot clustering, and density (Goal 4-2; Objective 4-2B; Policies 4-2B.1 and 4-2I.3), others support development of transportation infrastructure and central water and sewer (Goal 4-2; Objectives 4-2E, 4-2F, and 4-2H; Policies 4.2F.2 and 4-2H.2). Additionally, Section 4 includes policies that support preservation of open space, rural and agricultural character (Goal 4-2; Objective 4-2I; Policies 4-2I.1 and 4-2I.3), and wildlife movement corridors (Objective 4-2J). Additional CMP policies that support wildlife are applicable to Range as well (Goal 9-1; Objectives 9-1A, 9-1B and 9-1D; Policies 9-1A.3, 9-1B.1, 9-1B.3, 9-1B.4, 9-1B.6, 9-1B.7, 9-1B.8, 9-1B.9, 9-

1C.2, 9-1D.1, and 9-1D.2). The preliminary plan design provides a clustered layout that preserve 240 acres, or approximately 60% of the property as open space. The design of the lots and open space tracts preserves steep slopes, floodplain areas, and wildlife movement corridors.

403.02: The preliminary plan addresses the design elements established in Article 4, Section 404.

Staff Comment: Proposed lot sizes meet the minimum 4,000 square area required by the Range PD and provide adequate room for setbacks and off-street parking. The site contains the Daniels Park drainage which bisects the site flowing from east to west. Site-specific geotechnical investigations will occur at building permit to assure proper construction methods are utilized per the recommendations of the applicant's geotechnical investigation. The applicant has committed to protecting archaeological and historical resources if uncovered during construction. Subdivision wide drainage and grading concepts have been reviewed and accepted by Douglas County Engineering on a preliminary basis. Proposed roads will allow proper circulation for both vehicles and pedestrians within the development.

Lot orientation and the transition between existing and proposed development are considered in review of subdivision design. As stated in Section 404.03 of the Subdivision Resolution, "Conflicts between proposed and surrounding land uses are minimized through lot and tract orientation, setbacks, landscaping, or other buffering techniques." The 252 acres of open space provide a buffer on all sides of the 550 clustered lots.

Recommendations of various technical studies are implemented with the request. Noise impacts from the abutting highway are avoided through the siting of lots outside of the 65 DNL noise contour resulting from projected traffic. Wildfire mitigation will be implemented prior to the issuance of the first residential building permit within the subdivision (proposed condition #10).

403.03: Conforms with Section 18A, Water Supply Overlay District, of the Zoning Resolution.

Staff Comment: DCZR Section 1803A establishes approval standards to be used in the evaluation of land use applications reviewed under Section 18A. The DWR and Applegate Group, Inc. have reviewed the preliminary plan request and required water documentation and have determined that the supply is adequate and will not cause injury to decreed water rights. The applicant shall provide the final executed IGA between the Metro District and DWSD for water and sewer service prior to the Board of County Commissioners hearing on the preliminary plan (proposed condition #1). As of the writing of this staff report the applicant has not provided the executed IGA. If the IGA is not provided prior to the hearing, then the application may be continued to a future BCC hearing date. The Metro District will be responsible for extending off-site water and sewer lines to the Range development, for providing retail water and sewer service, and for ownership and maintenance of water and sewer lines and facilities serving the Range.

1803A.01: The applicant has demonstrated that the water rights can be used for the proposed uses.

Staff comment: DWSD has indicated that it has sufficient water rights that may be legally used to provide water service to this residential subdivision via an IGA with the Metro District.

The DWR reviewed the application and indicated that the amount of water is adequate to annually serve the subdivision, and that water is physically available based on current conditions. As required by DWR, existing wells will need to be plugged and abandoned prior to approval of the final plat. Alternatively, the applicant may obtain a court-approved augmentation plan to allow the wells to continue to be used. These requirements are reflected in proposed condition #2.

The applicant will request the County release the recorded Declaration of Restrictive Covenants that ties all Denver Basin groundwater to the land for future landowners to allow these water rights to be transferred to DWSD as required by the water service IGA (proposed condition #7).

1803A.02: The reliability of a renewable right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration.

Staff comment: All Denver Basin Groundwater beneath the property will be dedicated to DWSD. DWSD provided all required water documentation relative to its existing water portfolio and reserves the right to utilize any of its conjunctive use water supplies to serve the subdivision. This water portfolio has been fully evaluated with previous development applications served by DWSD.

1803A.03: The Water Plan is deemed adequate and feasible by the County to ensure that water supply shortages will not occur due to variations in the hydrologic cycle.

Staff comment: A Water Plan is not required for projects served by a District.

1803A.04: The Water Plan is sufficient to meet the demand applicable to the project based on the minimum water demand standards in Section 1805A herein.

Staff comment: A Water Plan is not required for projects served by a District.

403.04: Provides for a public wastewater collection and treatment system and, if other methods of wastewater collection and treatment are proposed, such systems shall comply with State and local laws and regulations.

Staff Comment: The Metro District will provide sanitary sewer service to the property through an IGA with DWSD. DWSD has received grant funds for the construction of the Chatfield Wastewater Reclamation Facility (wastewater treatment plant) that will provide sewage treatment to this and other developments within its service area. Douglas County Health provided a favorable recommendation regarding the proposed method of wastewater service. The Colorado Department of Public Health and Environment (CDPHE) reviewed the application and did not comment on the proposed method of wastewater

service. Location and Extent applications must be submitted and approved prior to approval of the final plat for the construction and extension of sanitary sewer infrastructure (proposed condition #5). Improvements will be secured through required improvement agreements at the time of final plat.

403.05: Identifies all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions and the proposed uses of these areas are compatible with such conditions.

Staff Comment: No site-specific conditions exist that would preclude development of the site. The Colorado Geological Survey (CGS) reviewed the application and stated that the recommendations in the applicant's Preliminary Subsurface Soil Investigation are valid. Provided the recommendations from the survey are rigorously adhered to, the CGS has no objection to the preliminary plan approval. The applicant will be required to provide additional analysis at the time of final plat application.

403.06: Provides adequate drainage improvements.

Staff Comment: A Phase II Drainage Report and Stream Assessment were provided and have been reviewed and accepted by Douglas County Engineering. Two road crossings of the Daniels Park drainage will occur and will require approval of a CLOMR at the time of final plat application. The applicant met with County Engineering and MHFD to discuss the road crossings, and both entities have indicated that plans are sufficient to allow the proposed preliminary plan to move forward. Final engineering designs and the CLOMR must be approved prior to final plat approval.

403.07: Provides adequate transportation improvements.

Staff Comment: The applicant's traffic impact analysis (TIA) has been reviewed and accepted by Douglas County Engineering. The applicant is required to make various improvements to Highway 85 as identified in its TIA. These improvements will be secured through the Subdivision Improvements Agreement (SIA) for the final plat. Additional right-of-way for the Airport Road interchange will also be dedicated to the County (proposed condition #8). All necessary agreements with the adjacent private property owner must be obtained prior to final plat approval to allow construction of the northern access road into the subdivision (proposed condition #3). The regional transportation fee of \$2,985 per unit will be paid at the time of plat recordation.

403.08: Protects significant cultural, archaeological, natural, and historical resources, and unique landforms.

Staff Comment: A Phase I Environmental Site Assessment of the proposed areas of development including the residential development areas, the trails and open space was provided by the applicant. No significant cultural resources were found on the subject property. The applicant, its successors and assigns shall take all reasonable care to watch for historic resources, paleontological resources, and other cultural history resources and shall immediately notify Douglas County in the event of such discovery during construction activity (proposed condition #12).

403.09: Has available all necessary services, including fire and police protection, recreation facilities, utility services, streets, and open space to serve the proposed subdivision.

Staff Comment: The proposed subdivision will be served by South Metro Fire, the Douglas County Sheriff's Office, the Douglas County School District, AT&T, CORE, Xcel Energy, Comcast, and CenturyLink. Open space and trail connections are proposed with the preliminary plan and park land dedication standards will be met through credited recreational improvements and/or cash-in-lieu fees as part of the final plat process (proposed condition #9). Cash-in-lieu of school land dedication will be provided as requested by the DCSD (proposed condition #9). Roads are to be public and dedicated to Douglas County.

403.10: Does not interfere with the extraction of any known commercial mining deposit.

Staff Comment: There are no known commercial mining deposits or significant mineral deposits on site per the Douglas County Mineral Extraction Plan.

IX. STAFF ASSESSMENT

Staff has evaluated the preliminary plan request in accordance with Article 4 of the Subdivision Resolution. Should the Board find that the approval standards for the preliminary plan are met, the following proposed conditions, many of which track various requirements through the subsequent final plat stage of review, should be considered for inclusion in the motion:

1. Prior to the Board of County Commissioners hearing on the preliminary plan, the applicant shall provide a fully executed IGA between Dominion Water and Sanitation District and the Range Metropolitan District for water and sewer service.
2. Prior to approval of the first final plat, the applicant shall file a required Well Abandonment Report with the Colorado Division of Water Resources or obtain a court-approved augmentation plan to allow the wells to continue to be used.
3. Prior to approval of the first final plat, the applicant shall purchase that portion of land associated with the northern access road into the Range subdivision from the owner of the adjacent property at 7680 N. US Highway 85.
4. Prior to approval of the first final plat, the applicant shall finalize a shared access easement or agreement with the owner of the adjacent property at 7680 N. US Highway 85.
5. Prior to approval of the first final plat, Location and Extent applications shall be approved for water and sewer infrastructure improvements necessary to serve the Range.

6. Prior to approval of the first final plat, an open space protection agreement (OSPA) shall be approved by the Board of County Commissioners.
7. Prior to recordation of the first final plat, the applicant shall obtain approval from the Board of County Commissioners to release its Declaration of Restrictive Covenants for water to allow conveyance of the property's Denver Basin groundwater rights to the Dominion Water and Sanitation District.
8. Concurrent with or prior to recordation of the first final plat, a maximum of seven acres of land shall be dedicated for Airport Road interchange improvements.
9. Prior to issuance of the first residential building permit, the applicant shall provide required cash-in-lieu of park land dedication, and proof of payment of cash-in-lieu of school land dedication to the Douglas County School District, to Douglas County.
10. Prior to issuance of the first residential building permit, the applicant shall implement the subdivision-wide recommendations of the Wildfire Mitigation Plan.
11. During construction activity within the development, the applicant, its successors and assigns shall conduct a burrowing owl study if any earth moving will take place between March 15 and October 31.
12. During construction activity within the development, the applicant, its successors, and assigns shall take all reasonable care to watch for historic resources, paleontological resources, and other cultural history resources and shall immediately notify Douglas County and complete appropriate Colorado Office of Archaeology and Historic Preservation data management forms in the event of such discovery.
13. Technical corrections to the record copy of the preliminary plan exhibit shall be made to the satisfaction of Douglas County.
14. All commitments and promises made by the applicant or the applicant's representative during the public hearing and/or agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in approving the application; therefore, such approval is conditioned upon the applicant's full satisfaction of all such commitments and promises.

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