



City of Castle Pines, Colorado

AGENDA

Chair
David Goode
01/2022

REGULAR MEETING OF THE PLANNING COMMISSION
360 Village Square Lane, Event Hall, Castle Pines, CO 80108
Thursday, April 23, 2020 – 6:00 PM

Chair Pro Tem
Andrew Hendel
01/2021

Commissioner
Lisa Glynn
01/2023

Seth Katz
01/2022

Leanna Palmer
01/2023

Don Tosby
01/2021

Michelle Wiley
01/2021

VIEWING THE PUBLIC MEETING

The April 23, 2020 Planning Commission Meeting will be conducted as an electronic virtual meeting. To register to watch the 6:00 p.m. virtual meeting from your computer or smartphone click [here](#).

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. DISCLOSURE OF CONFLICTS OF INTEREST

5. PLANNING COMMISSION ACTION ITEMS

a. Approval of Minutes

[2020-02-27 Planning Commission Minutes Draft.docx](#)

b. Resolution 20-01, A Resolution of the Planning and Zoning Commission of the City of Castle Pines, Colorado Adopting Procedures and Rules of Order

[Resolution 20-01 Adopting Procedures and Rules of Order.docx](#)

[2020 Planning Commission Bylaws_DRAFT revisions \(4 17 20\) lcm lbs.doc](#)

[Rosenberg's Rules of Order](#)

c. PUBLIC HEARING: The Lagae Family Parcel Minor Development Final Plat, Case No. MDV19-001

[Staff Report Case MDV19-001.pdf](#)

6. PLANNING COMMISSION DISCUSSION ITEMS

a. Update on May Agenda

7. ADJOURNMENT

City Council Meetings are held on the second and fourth Tuesday of each month at the Douglas County Library, 360 Village Square Lane, Castle Pines, CO 80108. Please call City Offices, (303) 705-0210 a minimum 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation to be in attendance or participate in any such meeting.

THIS AGENDA IS SUBJECT TO CHANGE



City of Castle Pines, Colorado Minutes

Planning
Commission/
Board of Adjustment

David Goode
Chair

Andrew Hendel
Chair Pro Tem

Lisa Glynn

Seth Katz

Leanna Palmer

Michelle Wiley

Don Tosby

REGULAR MEETING OF THE PLANNING COMMISSION & BOARD OF ADJUSTMENT Douglas County Library, 360 Village Square Lane, Castle Pines, CO 80108 Thursday, February 27, 2020 - 6:00 PM

1. ROLL CALL

The regular meeting of the Planning Commission of the City of Castle Pines, Colorado, was called to order by Commissioner Hendel at 6:00 p.m.

Those present were: Commissioner Andrew Hendel
Commissioner Don Tosby
Commissioner Leanna Palmer
Commissioner Seth Katz
Commissioner Lisa Glynn

Also present with the Commission:

Sam Bishop, Community Development Director
Emily Prueitt, Administrative Assistant

2. PLEDGE OF ALLEGIANCE

- Commissioner Andrew Hendel led the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Motion: A motion was made by Commissioner Hendel to approve the February 27, 2020 Planning Commission Agenda as presented. Motion approved by unanimous consent.

4. DISCLOSURE OF CONFLICTS OF INTEREST AS TO ANY ITEM ON THE AGENDA

- No disclosures of conflicts were submitted.

5. PLANNING COMMISSION – ACTION ITEMS

a. 2020 Election of Officers (Chair and Chair Pro Tem)

Motion: Commissioner Tosby moved to nominate Commissioner Goode as Planning Commission Chair. Commissioner Katz seconded. Motion approved by unanimous consent.

Motion: Commissioner Katz moved to nominate Commissioner Hendel as Planning Commission Chair Pro Tem. Commissioner Glynn seconded. Motion approved by unanimous consent.

b. Approval of the January 23, 2020 Planning Commission Minutes

Motion: A motion was made by Commissioner Tosby to approve the January 23, 2020 Planning Commission Minutes as presented. Commissioner Palmer seconded. Motion approved by unanimous consent.

c. PUBLIC MEETING: The Canyons Well House Location and Extent, Case No. LE19-001

- i. Commissioner Hendel opened the Public Meeting at 6:04 p.m.



City of Castle Pines, Colorado – Minutes, cont'd

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- ii. Sam Bishop, Community Development Director, presented Case No. LE19-001, an application for a well house location in The Canyons.
 - 1. Because the application is being presented at a public meeting, as opposed to a hearing, there were no noticing requirements
 - 2. The well house will be located on 2.9 acres and will be 7,207 square feet. The facility will be under the management of Parker Water and Sanitation District.
 - 3. Mr. Bishop elaborated on the specifics of the well house and its functions and then turned the presentation over to Parker Water and Sanitation District (PWSD).
 - 4. Representatives of PWSD provided further information regarding landscaping, security, functionality, and traffic surrounding the facility and asked Planning Commission if they had any further questions.
 - a. Commissioner Tosby asked about screening the line of site at the facility and if there would be any outdoor storage of material at the site. There will be limited storage, and adequate landscaping will be in place.
 - b. Commissioner Glynn asked about the heating, cooling, and ventilation systems at the facility. The HVAC systems, as well as skylights and fans, will provide ventilation and the chemicals on the site won't require extreme ventilation.
 - iii. There being no further questions, Commissioner Hendel closed the Public Meeting at 6:35 p.m.

Motion: Commissioner Katz moved to approve The Canyons Well House Location and Extent, Case No. LE19-001, subject to the following conditions of approval found in the Staff Report, dated February 21, 2020:

- 1. The applicant shall pay ALL fees and costs incurred by the City and its consultants, in review and processing of the L&E application; AND
 - 2. The applicant shall resolve/correct any minor technical issues as directed by staff prior to filing a final Location and Extent Plan with the City.
- Commissioner Tosby seconded. The motion passed unanimously.

6. PLANNING COMMISSION – Discussion Items

- a. **Amending Section 30 – Lighting Standards of the City of Castle Pines Zoning Ordinance.**
 - i. Mr. Bishop let the Commission know that staff would not like to move forward with this amendment, unless there is interest from the Planning Commission. Homebuilders from Lennar, Shea, and Berkley Homes presented their positions on changing lighting standards. Each individual expressed concerns with enforcing downcast lighting.
 - ii. Commissioner Tosby moved to not carry amending Section 30 any further. Commissioner Katz seconded. The motion passed unanimously.
- b. Mr. Bishop reminded the Commission of the upcoming joint meeting with City Council on March 3rd.



City of Castle Pines, Colorado – Minutes, cont'd

7. ADJOURNMENT OF REGULAR MEETING

Motion: A motion was made by Commissioner Glynn to adjourn the meeting at 7:07 p.m. Commissioner Hendel seconded. Motion approved by unanimous consent.

RESPECTFULLY SUBMITTED:

Emily Prueitt, Administrative Assistant

APPROVED:

David Goode, Chairperson

RESOLUTION NO. 20-01

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CASTLE PINES, COLORADO ADOPTING PROCEDURES AND RULES OF ORDER

WHEREAS, pursuant to Section 2-7-20 of the Castle Pines Municipal Code and Section 3301.02 of the City of Castle Pines Zoning Ordinance, the Planning and Zoning Commission of the City of Castle Pines (the “Commission”) desires to revise its procedures and rules of order to govern the conduct of its members and the meetings of the Commission.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City of Castle Pines Planning and Zoning Commission Procedures and Rules of Order attached hereto as Attachment A are hereby adopted.

Section 2. The procedures and rules attached hereto as Attachment A shall supersede all procedures and rules of order previously adopted by the Commission.

Section 3. This Resolution shall be effective upon adoption by the Commission.

**INTRODUCED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF
THE COMMISSION BY A VOTE OF _____ IN FAVOR AND _____ AGAINST ON THIS
23RD DAY OF APRIL 2020.**

**CITY OF CASTLE PINES PLANNING
COMMISSION**

By: _____
David Goode, Chair

ATTEST:

Tobi Basile, City Clerk

APPROVED AS TO FORM:

Linda Michow, City Attorney

ATTACHMENT A

**CITY OF CASTLE PINES PLANNING AND ZONING COMMISSION
PROCEDURES AND RULES OF ORDER**



CITY OF CASTLE PINES PLANNING AND ZONING COMMISSION PROCEDURES AND RULES OF ORDER

ARTICLE I – AUTHORITY

The City of Castle Pines Planning and Zoning Commission (“Planning Commission” or “Commission”) has been established under the authority of the Castle Pines Home Rule Charter. The Planning Commission hereby adopts these Procedures and Rules of Order (“Rules” or “Rules of Procedure”).

ARTICLE II – MEMBERS

SECTION 1. APPOINTMENT.

The Planning Commission shall consist of seven members who shall be appointed by the City Council in accordance with Ordinance No. 17-01.

SECTION 2. CONFLICTS OF INTEREST.

Any Commission member shall disclose a personal or financial conflict of interest in accordance with the City’s Code of Ethics codified in Article 8, Chapter 2 of the Municipal Code, as may be amended.

As a general matter, Commission members shall not disclose or use confidential information acquired in their official duties to further substantially their financial interests or accept gifts of substantial value which would tend to influence a reasonable person from departing from the faithful and impartial discharge of his or her public duties, or which is offered for the purpose of rewarding the member for an official action. Commission members shall not perform official acts which may have a direct economic benefit on a business or other undertaking in which they have a direct or substantial financial interest.

Commission members who have a personal or private (e.g., financial) interest in a matter pending before the Commission shall disclose such interest to the Commission, shall not vote on the matter, and shall not attempt to influence the decision of other Commission members. Commission members may request legal advice from the City Attorney in determining whether a personal or private interest would prevent the Commissioner from voting on a matter.

ARTICLE III – PLANNING COMMISSION OFFICERS

SECTION 1. OFFICERS.

The Chairperson and Chair Pro-Tem shall constitute the officers of the Commission. The Chairperson shall be the presiding officer of the Commission. In the absence of the Chairperson, or any time at the Chairperson’s option, the Chair Pro-Tem shall be the presiding officer of the Commission. The Commission, by majority vote, shall approve the minutes and the Chairperson is

authorized to sign minutes and all other documents. In the absence of the Chairperson, the Chair Pro-tem may sign any documents required to be signed by the Chairperson. Commission officers shall perform such other duties as may be required or assigned by the State Statutes, the City's Ordinances, or Rules of Procedure.

SECTION 2. ELECTION OF OFFICERS.

The Chairperson and Chair Pro-Tem of the Commission shall be elected at the first regular meeting in January of each year or at the next regular meeting following the permanent vacation of any officer's seat on the Commission. This shall be the first order of business at that meeting and the Community Development Director shall preside until the election of the Chairperson. Any member may nominate any member, including themselves, and no second shall be required. Any nominee may decline the nomination. After nominations each officer shall be elected by a majority vote of the Commission. Until one person has received the vote of a majority of all members of the Commission, successive votes will be taken. Once the officers are elected, they will preside in their respective positions over all Commission meetings.

SECTION 3. TEMPORARY PRESIDING OFFICER.

In the case of the absence of the Chairperson or Chair Pro-Tem, the Recording Secretary shall call the Commission to order and call the roll of the members. The Commission shall proceed to elect, by a majority vote of those present, a presiding officer of the meeting to act until the Chairperson or Chair Pro-tem appears.

ARTICLE IV – OTHER CITY PERSONNEL

SECTION 1. RECORDING SECRETARY.

A City employee or contract employee appointed by the Community Development Director shall serve as Recording Secretary of the Commission and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the Chairperson, Commission, City Manager or Community Development Director. The Recording Secretary will prepare summary minutes of each meeting. The Chairperson shall sign the summary minutes after their approval and correction, and the Secretary shall attest to the Chairperson's signature. The Recording Secretary shall furnish each member of the Commission with a copy of the summary minutes of all Commission meetings.

SECTION 2. COMMUNITY DEVELOPMENT DIRECTOR.

The Community Development Director or an appointed staff member shall attend all meetings of the Commission unless excused by the Commission or the City Manager. The Community Development Director shall keep the Commission fully advised as to all matters related to the planning and zoning conditions and needs of the City. The Community Development Director may make recommendations to the Commission and may take part in discussions on all matters coming before the Commission but shall have no vote in the meetings of the Commission.

ARTICLE V – COMMISSION MEETINGS

SECTION 1. REGULAR COMMISSION MEETINGS.

The Commission shall meet in regular session on the fourth Thursday of each month. Meetings shall commence at 6 P.M. or such other time of day as may be set by motion of the Commission for a

particular meeting. When a scheduled meeting falls on a holiday which is officially recognized by the City of Castle Pines or there is a conflict with a City Council meeting, the regular meeting shall be cancelled, and the Commission may, at the Commission's discretion, reschedule the regular meeting for another date and time upon consultation with City Staff. The Commission may by motion cancel any regular meeting.

SECTION 2. SPECIAL MEETINGS.

Special meetings shall be called by the Commission Recording Secretary on the written request of the Community Development Director, Chairperson or any two members of the Commission on at least forty-eight hours prior notice to each member of the Commission and the Community Development Director via telephone, electronic mail or served personally or left at their usual place of residence. A special meeting may also be called and notice thereof given by the Chairperson or by the Commission at any regular meeting of the Commission subject to the time and notice requirements set forth herein, provided, however, that further written notice of such special meeting will not be necessary for those Commission members present.

SECTION 3. TELEPHONIC/ELECTRONIC MEETINGS.

A member or all members of the Planning Commission may participate in a regular or special meeting or study session by telephone or electronic means of participation only in accordance with City Council's adopted Telephonic/Electronic Meeting Participation Policy. Said policy, as may be amended from time to time by City Council, is incorporated herein by reference.

SECTION 4 STUDY SESSIONS.

The Commission may conduct special meetings to be referred to as "study sessions." Study sessions may occur immediately prior to a regular meeting and noticed as such on the agenda. A study session shall customarily be limited to the presentation of information to the Commission and to the Commission's discussion of such information. General public comment on matters under study or the consideration of unscheduled matters shall not be generally entertained except upon concurrence of a majority of a quorum present.

SECTION 4. CONTINUED MEETINGS/HEARINGS.

Any meeting of the Commission, including public hearings, may be continued to a time and date certain, but no continuance shall be for a longer period than seventy (70) days. A public hearing that is continued or tabled indefinitely shall not be permitted.

SECTION 5. EXECUTIVE SESSION.

In accordance with the Colorado Open Meetings Law (C.R.S. § 24-6-401 et. Seq.), the Planning Commission may meet in executive session under the following rules of procedure: (a) an executive session may be convened on a vote by two-thirds of a quorum present at either a regular or special meeting; (b) attendance at the executive session shall be limited to the members of the Commission and staff members required for advice and information; (c) no formal action shall be taken on any matter under discussion; (d) the items which may be discussed are those dealing with: (1) the purchase, acquisition, lease, transfer, or sale of any property interest; or (2) conferences with the Commission's attorney for the purpose of receiving legal advice on specific legal issues; and (e) the executive session shall be recorded in the same manner its regular meetings are recorded. Other executive session topics, as enumerated in C.R.S. § 24-6-402(4) may be discussed by the

Commission; however, it is the Commission's intent that the use of executive session be limited, to the maximum extent possible, to the specific topics identified above.

SECTION 6. MEETINGS TO BE PUBLIC.

All regular meetings, study sessions, or special meetings of the Commission, including meetings and study sessions held via telephonic/electronic means, shall be open to the public as required by the Colorado Open Meetings Law. Meetings at which three or more Commission members are present, and during which any public business is discussed or any formal action may be taken, are considered open to the public and shall be noticed as such in conformance with the Colorado Open Meetings Law. Commission members may use electronic mail to communicate with each other and City staff. Electronic mail, however, should not be used to discuss the merits of a pending land use application or to elicit members' reactions to a pending land use application because such correspondence might be deemed a "meeting" under the Colorado Open Meetings Law thereby necessitating public notice and provision for public participation.

SECTION 7. QUORUM.

A quorum of the Commission shall consist of four members. In the absence of a quorum, a lesser number may adjourn a meeting or continue a meeting to a later time or date; and, in the absence of all members, the Recording Secretary may adjourn a meeting or continue a meeting for not longer than two weeks. In the event any meeting is continued to a later date, the Recording Secretary shall prepare and cause to be delivered to each member of the Commission timely notice setting forth the date and hour to which such meeting has been continued.

SECTION 8. CANCELING MEETINGS.

At a regularly scheduled meeting, Planning Commission may vote to cancel a future meeting when it has been determined that there are no business items scheduled.

ARTICLE VI – CONDUCT OF MEETINGS

SECTION 1. DECORUM AND ORDER.

The Chairperson shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a Commission member transgresses the rules of the Commission, the Chairperson shall call the member to order, in which case they shall relinquish the floor unless permitted to explain.

SECTION 2. ORDER OF BUSINESS.

The business of all regular meetings of the Commission shall be transacted generally in the following order unless the Commission by a vote of at least two-thirds of the members present shall suspend the rules and change the order. Within each numerical heading, the Commission's agenda shall be arranged by the Planning staff in a manner that the staff judges to be most appropriate for the agenda items to be heard. The items will be numbered consecutively with the exception that related items will have the same numerical designation but different alphabetic designation.

1. Call to order
2. Roll call of members
3. Approval of minutes of preceding meeting(s)
4. Consideration of Land Use Applications/Public Hearings

5. General Business, including reports and attendance at future meetings
6. Adjournment

SECTION 3. VOTING.

A. Passage and Failure of Motions. A voice vote by "Yes" and "No" shall be taken upon all motions and entered upon the minutes of the Commission proceedings. Any member may explain his or her vote after the motion is made or after the vote is taken. A concurring vote of a majority of the Commission members present, when those present constitute a quorum, shall be necessary to make recommendations on any land use applications and for other planning and zoning matters before the Commission. A concurring vote of five (5) members of the Commission shall be necessary to adopt by resolution the City's Comprehensive Plan, or any amendments thereto, subject to ratification of such Plan by the City Council. For all other matters, a motion shall pass if it receives the concurring vote of a majority of the Commission members present, when those present constitute a quorum.

B. Tie Votes. In the case of a tie in votes on any affirmative motion (e.g., a motion to recommend approval), the proposed action shall be declared by the Chairperson as denied. However, a tie in votes upon a negative motion (e.g., motion to recommend denial) shall not be construed to constitute approval and, in such event, a Commission member is encouraged to make an affirmative motion to resolve the matter.

SECTION 4. ATTENDANCE.

A. Attendance Required. Commission members are expected to attend all regular, special and study session meetings. More than three *unexcused* absences by a Commission member in any one calendar year shall be considered unacceptable and shall be cause for further action as provided herein. A written report signed by the Commission Chairperson or Co-Chair and Secretary shall be sent to the City Council concerning any member of the Commission who has three *unexcused* absences from Commission meetings, for Council determination as to whether this should be cause for removal of that member from the Commission.

B. Excused from Attendance. In the event any member of the Commission is unable to attend any meeting of the Commission, such member is requested to make a reasonable effort to so advise the Recording Secretary or Community Development Director in advance of the meeting. The Chairperson shall excuse an absence of any member where the Commission member contacted the Recording Secretary or Community Development Director in advance of the meeting regarding the reason for the absence or announced a scheduled absence at a previous meeting of the Commission.

SECTION 5. PUBLIC HEARING PROCEDURES.

A. General. Public hearings required by state law or the Castle Pines Zoning Ordinance shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not substantially affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Commission's decision:

B. Procedures. The Chairperson, in the order indicated, will:

1. Open the public hearing and read the title of the item into the record.
2. Explain public hearing procedures.

3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a 3 minute time limit shall be the customary and appropriate time limit for individuals and a 5 minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of the public hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence.
4. Ask for an introductory presentation of the application by the City Staff;
5. Ask for the applicant's presentation;
6. Provide opportunity for public presentation by those who are in favor and against the application;
7. Provide applicant with an opportunity to present rebuttal testimony and evidence;
8. Allow, throughout public testimony portion of hearing, Commission members the opportunity to ask questions of the applicant, staff and members of public;
9. Following questions from Commission members, the Chairperson will declare the public testimony portion of the hearing closed and the case will be remanded to the Commission for consideration;
10. Upon the closure of the public testimony portion of the hearing, the Commission will avoid additional questioning of any hearing participant except as may be found necessary by the Chairperson to clarify a factual question or resolve a factual matter of dispute between members of the Commission. No additional, unsolicited testimony shall be entertained or accepted by the Commission. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
11. The Chairperson shall ask for discussion or a motion from the Commission. Upon proper motion and second, the Chairperson shall ask for further discussion on the motion. Any Commission or staff member may be recognized for comments on the motion. After all discussion has occurred, the Chairperson shall conduct a vote as provided in Section 3 of Article VI of these Rules.

C. Quasi-Judicial Hearings. The nature of public hearings on land use applications before the Commission is considered quasi-judicial. Commission members are required to consider only such evidence and testimony that is presented during the public hearing. Consequently, Commission members cannot consider evidence outside of the confines of the public hearing, and should not engage in conversations or communications about any land use application with an applicant, members of the public or other Commissioners before the public hearing or during any recess from the public hearing. The purpose of this restriction is to afford applicants due process in terms of a fair and unbiased process and to allow the Commission to make an impartial and objective decision.

D. Commission Recommendation. The Commission shall either recommend approval, approval with conditions, denial or shall vote to continue a land use case to a time and date certain. The Commission's recommendation or decision shall contain reasonable findings of fact to support its recommendation or decision.

E. Record of Decision. The record of the Commission's recommendation or decision shall be sufficiently detailed to inform the City Council of the Commission's basis of decision. A motion to instruct staff to prepare a verbatim transcript of all comments and debate by the Chairperson and

Commission members regarding any motion may be made by the Chairperson or any member of the Commission. The motion shall pass if a majority of the members of the Commission present and voting vote in favor of the motion. A motion for a verbatim transcript may only be made during the regular or special meeting of the Commission. Verbatim transcripts may be requested at any time by the Community Development Director or the City Attorney where necessary in the performance of their duties.

SECTION 6. PARLIAMENTARY PROCEDURE.

In the event a question of proper parliamentary procedure arises during a meeting, the Commission may rely upon Rosenberg's Rules of Order, a copy of which is attached hereto.

SECTION 7. MEETINGS EXTENDING PAST 11:00 P.M.

At 11:00 P.M., if the regular meeting of the Commission has not previously been adjourned, further proceedings shall be conducted as follows: all public hearings not previously considered shall be opened and continued to another date. Further proceedings shall not extend beyond 30 minutes after 11:00 P.M. and shall be limited to the business then under consideration and no other. All other matters remaining on the agenda shall be continued to another date.

SECTION 8. COMMUNICATIONS.

Unsigned communications shall not be introduced before the Commission. All correspondence presented to the Commission must include the author's name and address in order to be considered by the Commission. Any correspondence relating to a scheduled agenda item must be received by the Recording Secretary no later than 4:30 P.M. one (1) day prior to the day of the scheduled meeting; provided, however, that the Recording Secretary may set alternative deadlines for submission of communications and documents related to a public hearing to be held by telephone or electronic means.

ARTICLE VII – SUSPENSION OF RULES

Any provision of these Rules not governed by the Castle Pines Municipal Code or Land Development Code may be temporarily suspended at any meeting of the Commission by a majority vote of all members of the Commission. Any rule may be suspended by general consent if presented by the Chairperson and if there are no objections from any member.

ARTICLE VIII – AMENDMENT OF PROCEDURES AND RULES OF ORDER

These Rules may be amended or new Rules adopted by a vote of at least five (5) members of the Commission. Any such alterations or amendments shall be submitted in writing at the regular meeting preceding their adoption. This requirement shall be waived only by unanimous consent with a recorded vote of all members.

Adopted by Planning and Zoning Commission on April 23, 2020.

Attachment:

- Rosenberg's Rules of Order***

"Rosenberg's Rules of Order"

(Simple Rules of Parliamentary Procedure for the 21st Century)
By Dave Rosenberg

Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules - "Robert's Rules of Order" - which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then "Robert's Rules of Order" is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of "Rosenberg's Rules of Order."

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars: (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings. (2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate. (3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process. (4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. And each agenda item can be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

Sixth, the Chair should determine if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority determines whether the motion passes or is defeated.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move"

So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee by 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

Majority and Super-Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

Motion to limit debate. Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

Motion to close nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate,

perhaps disagreement and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to a re-opener if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a 2/3 majority, can allow a motion to reconsider to be made at another time.) Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

About the Author

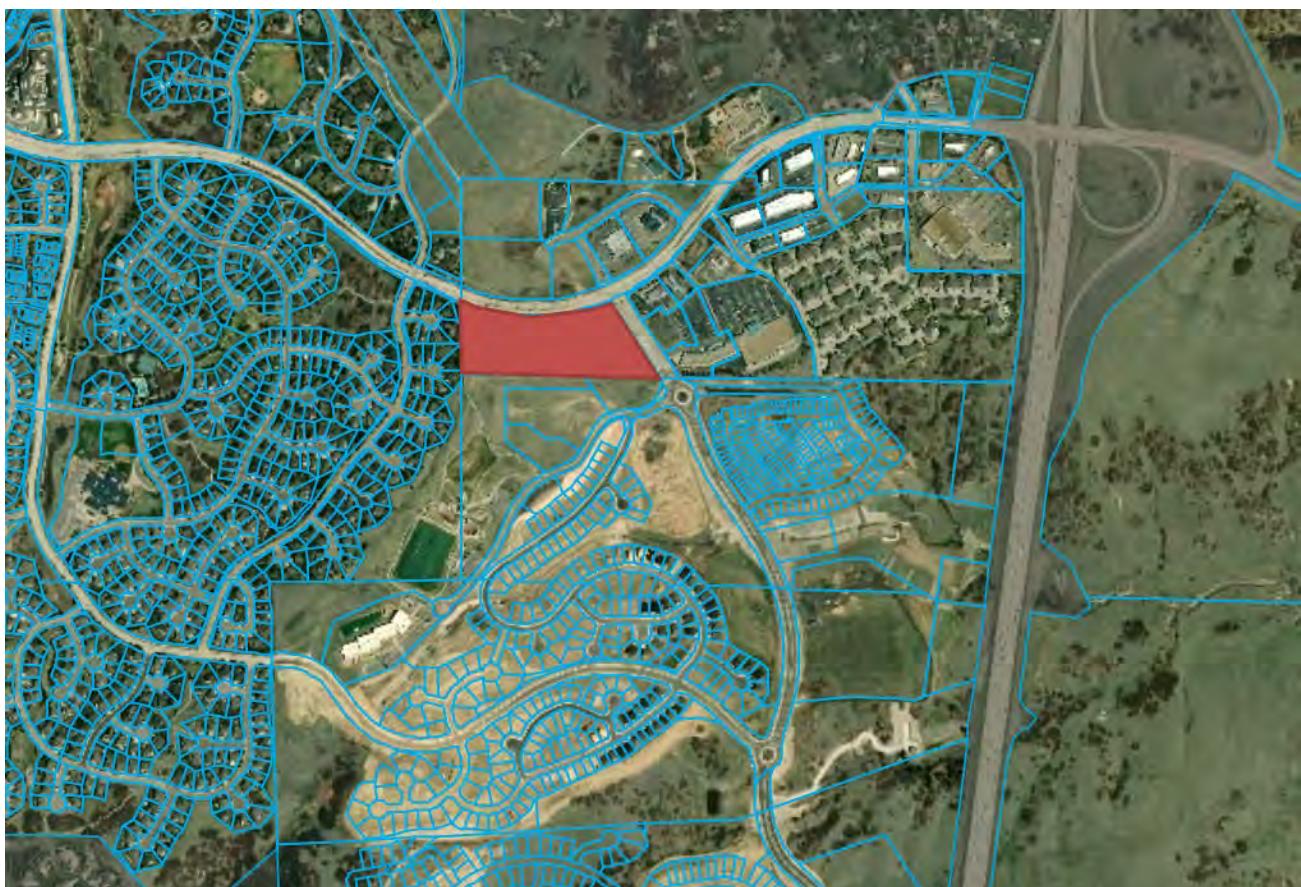
Dave Rosenberg is a Yolo Superior Court Judge. Formerly, he served over 20 years in local government, including 12 years on the Davis City Council (with two terms as Mayor) and 7 years on the Yolo County Board of Supervisors (with two terms as Chairman of the Board). He has been Chairman or presiding officer of numerous boards, commissions and organizations, spanning over three decades including the California State Lottery Commission, the California State Victim Compensation and Government Claims Board (formerly known as the Board of Control), the Yolo County Economic Development Commission, the Yolo County Criminal Justice Cabinet, the Davis Odd Fellows Lodge, and others. He currently serves as Presiding Judge of the Yolo Superior Court. Rosenberg has taught workshops on "Rosenberg's Rules of Order" for over a decade, to county supervisors, mayors, city council members and others. His "Rosenberg's Rules of Order" have been adopted by numerous cities and other jurisdictions and organizations throughout California.



COMMUNITY DEVELOPMENT DEPARTMENT—STAFF REPORT

PROJECT NAME/CASE NO.:	Lagae Family Parcel Minor Development Plat, Case No. MDV19-001
PROJECT LOCATION:	The subject property is located at the southwest intersection of Castle Pines Parkway and Lagae Road.
OWNER	Lagae Family Limited Partnership C/O Cyndi L Liden Estate of Ina M Lagae 1777 S Harrison St. Suite 1250 Denver, CO 80210
APPLICANT:	Ventana Capital Inc. 9801 E Easter Avenue, Centennial, CO 80112
PROJECT DESCRIPTION:	The Applicant requests approval of a Minor Development Final Plat. The Minor Development Final Plat combines the Preliminary Plan review and Final Plat review processes to provide a streamlined review process for nonresidential projects. The proposed Lagae Family Parcel Minor Development Final Plat evaluates the subdivision of 10.33 acres into 6 lots for future development and 1 drainage tract.
STAFF RECOMMENDATION:	Approval with Conditions
JURISDICTION:	Public notice of the Lagae Family Parcel Minor Development Plat was published in the newspaper on 4/8/20 and posted on 4/8/20; legal requirements of public notification have been satisfied to hold a public hearing on the Minor Development Final Plat. In accordance with the City's Subdivision Regulations, the Minor Development Final Plat is subject to both a Planning Commission and City Council Public Hearing.
REPORT DATE:	April 17, 2020
PLANNING COMMISSION HEARING DATE:	April 23, 2020

Vicinity Map:



MINOR DEVELOPMENT FINAL PLAT PROCESS OVERVIEW:

The Minor Development Final Plat process provides a consolidated review process for nonresidential and multi-family developments that meet the intent of the subdivision ordinance. The Plat combines the review elements of the Preliminary Plan and the Final Plat.

In the case of the Minor Development Final Plat, both the Planning Commission and the City Council will review the application. Planning Commission will make a recommendation to City Council, and City Council will have final determination at a public hearing on 2nd reading.

MINOR DEVELOPMENT FINAL PLAT OVERVIEW AND ANALYSIS:

Background

The Lagae Family Parcel property is approximately 10.33 acres and zoned Business (B). The property has never been platted or developed and has belonged to the Lagae Family Trust for as long as records have been kept by the Douglas County Assessor.

The subject property has not been improved or otherwise developed; however, the area immediately surrounding this property has either been developed or is being actively developed. The affected property is located entirely within the City of Castle Pines and is surrounded by the following zoning designations and land uses:

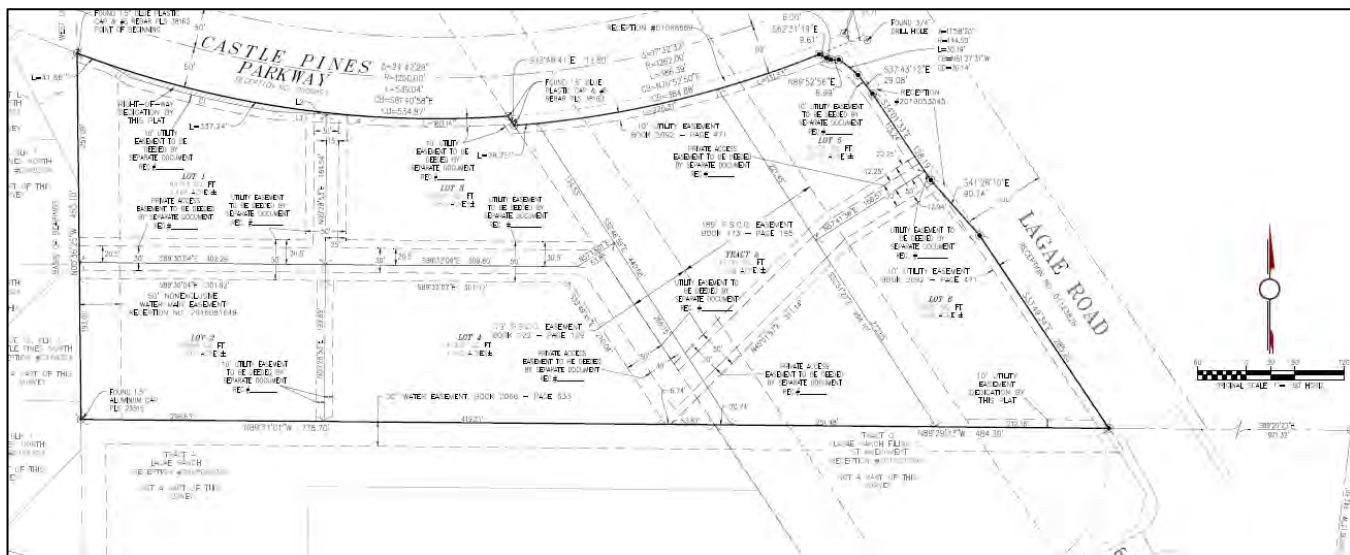
	North	South	East	West
Adjacent Land Uses:	Undeveloped	Open Space (Elk Ridge Park)	Commercial (Charter Oaks)	Single Family Residential
Adjacent Zoning Designation:	Business	Lagae Ranch Planned Development, 2 nd Amendment	Business	Castle Pines North Planned Development

Site Details	
Area:	10.33 acres
Zoning	Business
Existing Vegetation:	Native Grass, Weeds, Yucca
Existing Structures:	None
Site Characteristics:	The parcel is split by a 185' P.S.C.O. Utility easement that bisects the eastern portion of the property.
Drainage Basins:	Happy Canyon Creek and Newlin Gulch
Service Providers:	Water and Sanitation: Castle Pines North Metropolitan District
	Police: Douglas County Sheriff
	Fire: South Metro Fire Rescue District

	Electric: IREA
	Gas: Xcel
	Schools: Douglas County School District
Flood Plain/Wetlands:	FEMA has not delineated any Zone A (100 year) floodplains on the property.
Federally Threatened and Endangered Species:	The property is not located within a critical habitat area for any federally threatened or endangered species.
Overlay District:	None

Project Overview

The proposed Lagae Family Parcel subdivision will subdivide 10.33 acres into 6 individual lots and 1 tract as shown in the following graphic:



The Minor Development Final Plat will subdivide the 10.33 acres into 6 lots ranging from .75 acres to 1.9 acres at the largest, along with 1 tract to be used for drainage purposes. The lots will maintain the Business zoning designation which allows for commercial development.

Two points of access will serve the site. One access will be provided off Castle Pines Parkway to the North and will be constructed as a left/right turn in and right turn out (3/4 movement). The second access will be provided off Lagae Road to the East and be constructed as a right turn in and right turn out. Each access will be serviced by internal privately-owned and maintained roadways. These private drives will be in the form of public access easements and provide access to each lot. The exact configuration and design will be determined at the Site Improvement Plan stage, which will be done on a lot by lot basis. The subdivision will also be accessible via a sidewalk that will approach the subdivision from the Southwest and connect with the sidewalk on Castle Pines Parkway. Sidewalks are required to be installed or improved along the western portion of the parcel, along Castle Pines Parkway and Lagae Road.

Landscaping will be required on a lot-by-lot basis as development occurs. No additional dedications will be required with this subdivision.

Development Phasing and Subdivision Improvements

The Minor Development Final Plat simply subdivides the parcel into lots and tracts. Subsequent to this process, a Site Improvement Plan (SIP) will be required for the development of each lot. The Minor Development Plan requires a Subdivision Improvement Agreement (SIA) and each future lot that is developed will be required to execute a Site Improvement Plan Improvement Agreement (SIPIA).

Development Reports

Minor Development Final Plat applications require the submittal of specific legal and development documents, including but not limited to a land use application, written narrative, source of potable water, application fee, proof of ownership, plan exhibit, and development reports. All submittal requirements have been satisfied. The following development reports were prepared to support the subdivision of the Lagae Family Parcel Minor Development Final Plat property by professionals with specific qualifications and reviewed by the City's corresponding professional consultants:

- *Minor Development Final Plat Exhibit*
- *Plat Closure Report*
- *Engineers Projected Costs*
- *Phase III Drainage Report*
- *Traffic Impact Analysis*
- *Construction Documents*

Subsequent to three iterations, these development reports meet the requirements and conform to federal, state and the City of Castle Pines adopted standards and codes, as amended and adopted by the City.

Referrals

The City of Castle Pines Subdivision Regulations require that Minor Development Final Plats be referred to outside agencies for a period of 35 days. Eighteen (18) federal, state, and local government referral agencies received a copy of the Lagae Family Parcel Minor Development Final Plat, Letter of Intent, and were provided access to all technical reports. A complete table listing the referral entities, copies of the actual referral comments and the Applicant's responses are included in Exhibits B and C. Referral request forms state that comments not received at the conclusion of the referral period are considered as an endorsement for approval. All comments received as part of the referral process were forwarded to the applicant upon receipt. It is the responsibility of the applicant to address the comments of all referral agencies.

Approval Criteria – Minor Development Final Plat

The review of a Minor Development Final Plat requires that Planning Commission and City Council consider the evidence presented at the public hearing and evaluate the proposal according to the approval criteria as set forth in The City of Castle Pines Subdivision Ordinance, Article 6A – Minor Development. Staff has identified each of the approval criteria followed by a proposed finding. However, it is the responsibility of the Applicant to justify the specific request. A Preliminary Plan shall be approved upon finding that:

603A.01 The Minor Development Final Plat is in conformance with the goals, objectives, and policies of the Castle Pines Comprehensive Plan;

Staff finds the Minor Development Final Plat is in conformance with the goals, objectives and policies of the Castle Pines Comprehensive Plan; more specifically implementing the community's vision for:

Economic Development that reinforces, expands, and develops our unique and connected town centers as vibrant community gathering spaces with a range of distinct businesses and restaurants, event space, entertainment venue, mixed-use development, civic amenities, enhanced walkability, quality design, and a supportive mix of housing.

Land Use and Growth Management that provides a quality-of-life community with exceptional design, augmented by extensive access to open space and physical separation from adjacent communities which together support a healthy, aesthetically pleasing, and cohesive community.

603A.02 The minor development final plat is in conformance with the design elements established in Section 604A, herein; and

604A.01 lots shall meet the minimum lot size of the zone district with the ability of structures placed on the lot to meet the district setbacks, and provide off-street parking;

The lots meet the minimum lot size to allow buildings to meet required setback and off-street parking requirements

604A.02 geologic hazards or other hazardous conditions shall be mitigated or eliminated
No geologic hazards or other conditions apply.

604A.03 lot layout shall provide buffering for visual relief from development; and shall conform to design guidelines adopted by the City;

The lot layout does provide for the opportunity for visual buffering and the subsequent SIPs will conform to City design guidelines.

604A.04 streets shall be laid out with the ability to meet the City of Castle Pines Roadway Design and Construction Standards, Drainage Design and Technical Criteria manual, and other applicable City regulations;

The street layout meets the applicable City adopted standards.

604A.05 the natural terrain, drainage, and vegetation shall be preserved to the maximum extent possible;

The existing terrain, drainage, and vegetation are preserved to the maximum extent possible.

604A.06 multiple-frontage lots should be avoided except where essential to provide separation of residential development from regional or major arterials, or to overcome specific disadvantages of topography and orientation;

There is one double frontage lot on the northeast corner of Castle Pines Parkway and Lagae Road. This lot will not have direct access to either street.

604A.07 the subdivision design shall be coordinated with the storm water drainage and flood control systems;

A Phase III Drainage report has appropriately addressed this.

604A.08 pedestrian, bicycle, and vehicular access to abutting neighborhoods, recreation, shopping, and employment areas shall be provided to the maximum extent possible; and
Sidewalks associated with the streets are being utilized as well as an off-street sidewalk connection.

604A.09 physical and visual barriers shall be minimized to accommodate a free flow of views, and pedestrian/vehicular circulation.

Appropriate accommodation will be made in the SIPs.

603A.03 The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the Water Supply – Overlay District section of the City Zoning Ordinance; and

A “will serve” letter was submitted on September 26, 2019 from the Castle Pines North Metro District.

603A.04 The subdivider has provided evidence that provision has been made for a public sewage disposal system (unless the proposed subdivision includes residential lots in excess of 5 acres in size, in which case septic systems are permitted for such residential lots) and adequate evidence that such public sewage disposal system shall comply with State and City regulations; and

A “will serve” letter was submitted on September 26, 2019 from the Castle Pines North Metro District.

603A.05 The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions; and

The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions as stated by the Natural Resources Conservation Web Soil Survey.

603A.06 The subdivider has provided adequate drainage improvements; and

The subdivider has provided adequate drainage improvements as evidenced by the Phase III Drainage Report dated April 15, 2020

603A.07 The extraction of any known commercial mining deposit shall not be impeded by this development; and

No known commercial mining deposits exist on this property.

603A.08 Necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

Necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision as evidenced by the referral comments (i.e. school district, fire district and utility provider comments) and Traffic Study.

STAFF FINDINGS AND RECOMMENDATION:

Staff finds that the Minor Development Final Plat is in conformance with the City of Castle Pines Subdivision Regulations and the City of Castle Pines Comprehensive Plan.

Based upon findings herein, Staff recommends that Planning Commission recommend approval of the Lagae Family Parcel Minor Development Final Plat subject to the recommended conditions of approval.

SUGGESTED MOTION FOR A RECOMMENDATION OF APPROVAL FOR THE LAGAE FAMILY PARCEL MINOR DEVELOPMENT FINAL PLAT:

I move to recommend approval for the Lagae Family Parcel Minor Development Plat Case No. MDV19-001, subject to the following conditions of approval found in the Staff Report, dated April 17, 2020:

1. The Applicant shall pay ALL fees and costs incurred by the City and its consultants, including without limitation legal fees and costs, for review and processing of the Minor Development Final Plat application; AND
2. The Applicant shall finalize a Subdivision Improvements Agreement prior to recordation; AND
3. The Applicant shall (Planning Commission may impose specific conditions to meet goals not met by the proposed Preliminary Plan).

SUGGESTED MOTION FOR RECOMMENDATION OF DENIAL* OF THE LAGAE FAMILY PARCEL MINOR DEVELOPMENT PLAT:

I move to recommend denial of the Lagae Family Parcel Minor Development Final Plat, Case No. MDV19-001, based on the following finding of fact:

1. The Minor Development Final Plat application *does not* meet the approval criteria set forth in Section 6A Minor Development – Nonresidential and Multifamily in that: (identify specific criteria not met by the application);

[remainder of this page intentionally left blank]

* In the event Planning Commission wishes to recommend denial of the application, Staff recommends that Planning Commission consult with the City Attorney prior to making a motion.

EXHIBITS:

- A. Minor Development Plan Application Materials**
 - a. Land Use Application
 - b. Minor Development Final Plat Exhibit
- B. 35 Day External Referral**
- C. Applicant's Response to Referral Comments**

A. Minor Development Plan Application Materials

- a. Land Use Application**
- b. Minor Development Final Plat Exhibit**



LAND USE APPLICATION

OFFICE USE ONLY	SUBMITTAL DATE
TYPE OF REQUEST:	
PROJECT NAME:	
CASE NO.:	
FEES COLLECTED:	STAFF INITIALS:

SECTION 1—BRIEF DESCRIPTION OF PROPOSAL

Minor Development Application for the subdivision and development of the Lagae Family

Trust property, an approximately 10 acre parcel located at the southwest corner of the intersection of Castle Pines Parkway and Lagae Road.

SECTION 2—PROPERTY INFORMATION—Property Information required below can be found on the Douglas County Assessor website at www.douglas.co.us/assessor/. Please print a copy of the Assessor's page and submit it with your presubmittal review request.

State Parcel Number (SPN): 235103000010 Parcel Size: 10.06 acres

Legal Description: See attached title commitment

Site Address: Southwest corner of Castle Pines Parkway and Lagae Road

SECTION 3—ZONING AND LAND USE INFORMATION

Existing Zoning: Business Proposed Zoning: Business

Zoning of Surrounding Properties: (N) Business (S) PD (E) Business (W) PD

Existing Land Use: Undeveloped vacant land

Proposed Land Use: City municipal buildings and commercial development

SECTION 4—PROPERTY OWNER INFORMATION

Property Owner: Lagae Family Limited Partnership, a Colorado corporation

Address: 1777 S. Harrison St., Suite 1250, Denver, CO, 80210

Phone: 303-333-7733 Fax: _____ Email: _____

SECTION 5—AUTHORIZED REPRESENTATIVE INFORMATION (*requires notarized letter of authorization if other than owner*)

Property Owner Developer Engineer / Attorney / Other (Circle One): _____

Contact Person/Company Info: Tom Clark

Address: 9801 E. Easter Ave., Centennial, CO 80112

Phone: 303-346-7006 Fax: _____ Email: tclark@ventanacap.com

SECTION 6—SPECIAL DISTRICT INFORMATION—Please list the districts that will be affected by the proposal (attach any letters):

Water District: Castle Pines North Metro District

Sanitation District: Castle Pines North Metro District

School District: _____

Library District: _____

Fire District: South Metro Fire Rescue

Other Districts: _____

SECTION 4—CERTIFICATION

To the best of my knowledge, this Land Use Application is correct and complete. I have read and understand the City's information sheet regarding the Preble's Meadow Jumping Mouse.

Applicant Signature:

Date: 12-11-19

PREBLE'S MEADOW JUMPING MOUSE

What is the Prebles' meadow jumping mouse?

The Preble's meadow jumping mouse is a rare mouse designated by the United States Fish and Wildlife Service as a "threatened species" under the Endangered Species Act. The federal threatened species designation prohibits the unlawful "take" of the Preble's meadow jumping mouse or its habitat.

Where does the mouse live?

The Preble's meadow jumping mouse lives primarily in heavily vegetated riparian habitats. In Douglas County, the mouse has been located in or near many drainage areas, including tributaries and the main stream reaches, of East and West Plum Creek. However, *any* stream reach or potential habitat within Douglas County may be subject to the requirements of the Endangered Species Act. The mouse has also been found in Boulder, Elbert, El Paso, Jefferson and Larimer counties and in parts of Wyoming.

What activities may be considered a violation of the Endangered Species Act?

In its listing decision, the United States Fish and Wildlife Service identified activities that may result in violation of the Endangered Species Act to include:

1. Unauthorized or unpermitted collection, handling, harassing, or taking of the species;
2. Activities that directly or indirectly result in the actual death or injury death of the mouse, or that modify the known habitat of the species, thereby significantly modifying essential behavioral patterns (e.g., plowing, mowing, or cutting; conversion of wet meadow or riparian habitats to residential, commercial, industrial, recreational areas, or cropland; overgrazing; road and trail construction; water development or impoundment; mineral extraction or processing; off-highway vehicle use; and, hazardous material cleanup or bioremediation); and
3. The application or discharge of agrichemicals, or other pollutants, and pesticides, onto plants, soil, ground water, or other surfaces in violation of label directions or any use following Service notification that such use, application or discharge is likely to harm the species; would be evidence of unauthorized use, application or discharge.

How to determine if a proposed activity would violate the Endangered Species Act.

Any questions regarding whether an activity will impact the Preble's meadow jumping mouse or its habitat should be directed to:

Peter Plage or Adam Misztal
 Fish and Wildlife Biologist
 United States Fish and Wildlife Service
 Ecological Services
 Colorado Field Office
 P.O. Box 25486, DFC (MS 65412)
 Denver, CO 80225-0486
 303-236-4773

Where to find a licensed Wildlife Consultant to perform Preble's Surveys.

A current list of wildlife consultants licensed to perform Preble's surveys may be found on the US Fish and Wildlife Service website at:

http://mountain-prairie.fws.gov/preble/RELATED_ACTIONS/consultants.htm

ANY APPROVAL GIVEN BY THE CITY OF CASTLE PINES DOES NOT OBVIATE THE NEED TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND/OR REGULATIONS.

LAGAE FAMILY TRUST MINOR DEVELOPMENT FINAL PLAT

LOCATED IN SOUTHWEST QUARTER OF SECTION 3,
TOWNSHIP 7 SOUTH, RANGE 67 WEST 6TH P.M.
CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO

SHEET 1 OF 2

10.325 ACRES 6 LOTS AND 1 TRACT

CASE NO. MDV19-001

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE DESCRIBE BASIS HERE, BEING CONSIDERED TO BEAR NORTH 00°36'25" WEST, A DISTANCE OF 2521.89 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE WEST QUARTER CORNER OF SAID SECTION 3 BEING A FOUND 3.25" ALUMINUM CAP PLS 10734 MATCHING MONUMENT RECORD FILED 7/31/17.

-THE SOUTHWEST CORNER OF SAID SECTION 3 BEING A FOUND 3.25" ALUMINUM CAP PLS 14166 MATCHING MONUMENT RECORD FILED 6/6/90. COMMENCING AT SAID WEST QUARTER CORNER;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 SOUTH 00°36'25" EAST, A DISTANCE OF 780.62 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CASTLE PINES PARKWAY AND THE POINT OF BEGINNING;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGLE OF 24°42'28", WHOSE CHORD BEARS SOUTH 81°40'58" EAST A DISTANCE OF 534.87 FEET, FOR A DISTANCE OF 539.04 FEET TO THE WESTERLY END OF THAT PARCEL DESCRIBED AT RECEPTION NO. 01066669;

THENCE ALONG THE WESTERLY AND SOUTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. THENCE SOUTH 33°49'41" EAST, A DISTANCE OF 13.80 FEET;
2. THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,262.00 FEET, A CENTRAL ANGLE OF 17°32'32", WHOSE CHORD BEARS NORTH 76°52'50" EAST A DISTANCE OF 384.88 FEET, FOR AN ARC DISTANCE OF 386.39 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2019053545;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL THE FOLLOWING SEVEN (7) COURSES AND DISTANCES;

1. THENCE SOUTH 62°31'19" EAST, A DISTANCE OF 9.61 FEET;
2. THENCE SOUTH 69°24'31" EAST, A DISTANCE OF 6.00 FEET;
3. THENCE NORTH 89°52'56" EAST, A DISTANCE OF 9.99 FEET;
4. THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 144.50 FEET, A CENTRAL ANGLE OF 11°58'20", WHOSE CHORD BEARS SOUTH 51°27'31" EAST A DISTANCE OF 30.14 FEET, FOR AN ARC DISTANCE OF 30.19 FEET;
5. THENCE SOUTH 37°43'12" EAST, A DISTANCE OF 29.08 FEET;
6. THENCE SOUTH 34°01'33" EAST, A DISTANCE OF 128.19 FEET;
7. THENCE SOUTH 41°26'10" EAST, A DISTANCE OF 90.74 FEET TO THE SOUTHERLY POINT OF SAID PARCEL AND THE WESTERLY RIGHT-OF-WAY OF LAGAE ROAD;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 33°49'34" EAST, A DISTANCE OF 285.20 FEET TO THE NORTHERLY LINE OF TRACT Q, LAGAE RANCH FILING 1, FIRST AMENDMENT, RECEPTION NO. 2017072361, BEING ALSO THE NORTHERLY LINE OF LAGAE RANCH FILING 1, RECEPTION NO. 200802081;

- THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES;
1. THENCE NORTH 89°29'13" WEST, A DISTANCE OF 484.39 FEET TO THE NORTHWEST CORNER OF SAID TRACT Q;
 2. THENCE CONTINUING ALONG SAID NORTHERLY LINE OF LAGAE RANCH FILING 1 NORTH 89°31'01" WEST, A DISTANCE OF 778.70 FEET TO SAID WESTERLY LINE OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID WESTERLY LINE NORTH 00°36'25" WEST, A DISTANCE OF 450.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 449,745 SQUARE FEET OR 10.325 ACRES, MORE OR LESS.

GENERAL NOTES

1.) THE LINEAL UNITS USED ON THIS PLAT ARE U.S. SURVEY FEET. ALL BEARINGS SHOWN HEREON ARE IN DEGREES-MINUTES-SECONDS.

2.) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT, LAND SURVEY BOUNDARY MONUMENT, OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

3.) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

4.) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RICK ENGINEERING TO DETERMINE OWNERSHIP OF EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, RICK ENGINEERING RELIED UPON COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 597-H0562593-023-CN4, AMENDMENT NO. 2, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND HAVING AN EFFECTIVE DATE OF DECEMBER 5, 2019.

5.) BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 3, ASSUMED TO BEAR NORTH 00°36'30" WEST A DISTANCE OF 2521.82 FEET BETWEEN MONUMENTS AS SHOWN ON THIS PLAT.

6.) MINIMUM 10-FOOT WIDE DRY UTILITY EASEMENTS ARE HEREBY DEDICATED AS DEPICTED ON THE PLAT. THESE EASEMENTS ARE DEDICATED TO THE CITY OF CASTLE PINES FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION, CABLE, AND TELECOMMUNICATIONS FACILITIES (DRY UTILITIES). UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.

7.) THE PRIVATE ACCESS EASEMENTS NOTED ON THIS PLAT SHALL BE PER SEPARATE WRITTEN AGREEMENT RECORDED IN THE REAL PROPERTY RECORDS PRIOR TO THE DATE OF ANY CONVEYANCE OF ANY LOT SHOWN HEREON, WHICH SEPARATE AGREEMENT SHALL PROVIDE ACCESS EASEMENTS IN AND FOR THE LOTS AND TRACTS OVER AND ACROSS THE PRIVATE ACCESS EASEMENTS AND SHALL PROVIDE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF SUCH PRIVATE ACCESS EASEMENTS.

TITLE CERTIFICATION

WE, _____, A QUALIFIED TITLE INSURANCE COMPANY DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE OWNER, FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES EXCEPT AS FOLLOWS:

DATE _____ BY: _____ AS: _____

STATE OF _____)
COUNTY OF _____)
SS

WITNESS MY HAND AND SEAL _____

MY COMMISSION EXPIRES _____

DEDICATION STATEMENT

THE UNDERSIGNED, BEING ALL OF THE OWNERS, MORTGAGEES, AND BENEFICIARIES OF DEEDS OF TRUST OF THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDE AND PLATTED SAID LANDS INTO LOTS AND TRACTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF LAGAE FAMILY TRUST MINOR DEVELOPMENT. THE RIGHT-OF-WAY AND EASEMENTS SHOWN HEREON AND NOT OF PRIOR RECORD ARE HEREBY DEDICATED TO THE CITY OF CASTLE PINES, COLORADO, FOR USE DIRECTLY, OR THROUGH THE VARIOUS SERVICE PROVIDERS, FOR ALL UTILITY PURPOSES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, ELECTRICITY, TELEPHONE, CABLE AND OTHER TELECOMMUNICATIONS, THE CITY OF CASTLE PINES AND THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE RIGHT-OF-WAY AND EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE RIGHT-OF-WAY SHOWN HEREON IS DEDICATED AND CONVEYED TO THE CITY OF CASTLE PINES, CO, IN FEE SIMPLE ABSOLUTE, WITH MARKETABLE TITLE, FOR PUBLIC USES AND PURPOSES.

BY: DARWIN HORAN
TITLE: MANAGER, LS PARTNERS, L.L.C.

ATTEST: (IF CORP.)

SECRETARY/TREASURER

STATE OF COLORADO)
COUNTY OF _____)
) SS.

ACKNOWLEDGE BEFORE ME THIS ____ DAY OF ____ 20____ BY

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL

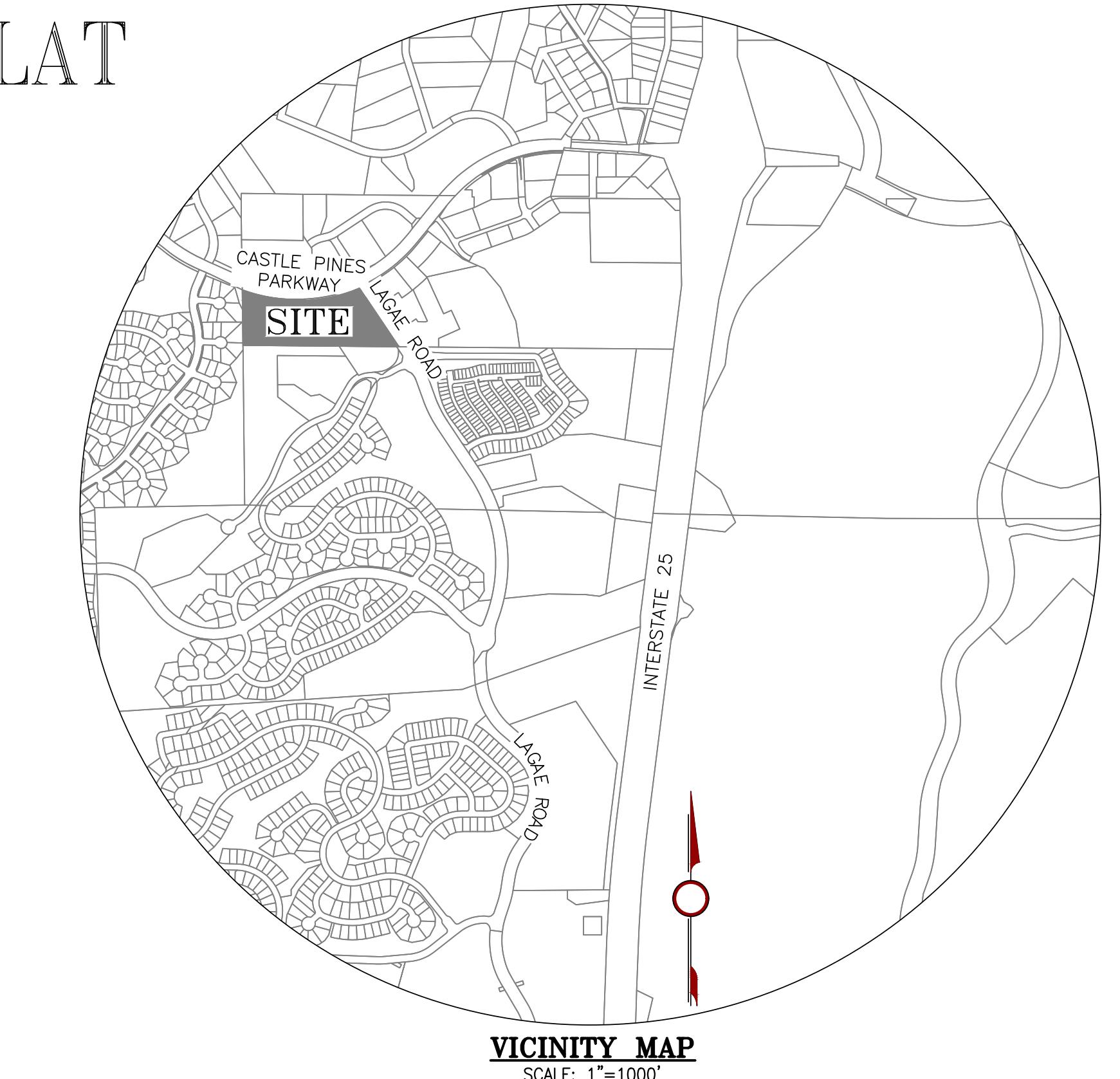
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT J. HENNESSY, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DECEMBER 13, 2019, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE CITY OF CASTLE PINES SUBDIVISION REGULATIONS. THE SURVEY IS NOT A WARRANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION AND THE SURVEY THEREOF.

I ATTEST THE ABOVE ON THIS ____ DAY OF ____ 20____

ROBERT J. HENNESSY, P.L.S. 34580, LICENSED COLORADO LAND SURVEYOR
FOR AND ON BEHALF OF RICK ENGINEERING COMPANY



CITY COUNCIL CERTIFICATE

THIS PLAT WAS APPROVED FOR FILING BY THE CITY OF CASTLE PINES, ON THE ____ DAY OF ____ 20____, SUBJECT TO ANY CONDITIONS SPECIFIED HEREON OR IN THE RESOLUTION APPROVING THIS PLAT.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE CITY OF CASTLE PINES.

THIS ACCEPTANCE DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, WELL PERMIT OR SEWAGE DISPOSAL PERMIT WILL BE ISSUED.

PLAT DEDICATIONS ARE HEREBY ACCEPTED.

MAYOR _____ ATTEST _____

PLANNING COMMISSION CERTIFICATE

THIS MINOR DEVELOPMENT FINAL PLAT (NO. MDV19-001) WAS REVIEWED BY THE PLANNING COMMISSION ON ____

PLANNING DIRECTOR, ON BEHALF OF THE PLANNING COMMISSION DATE _____

DOUGLAS COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE ON ____ OF THE CLERK AND RECORDER OF DOUGLAS COUNTY AT ____ M ON THE ____ DAY OF ____ 20____

RECEPTION NO. _____

DOUGLAS COUNTY CLERK AND RECORDER

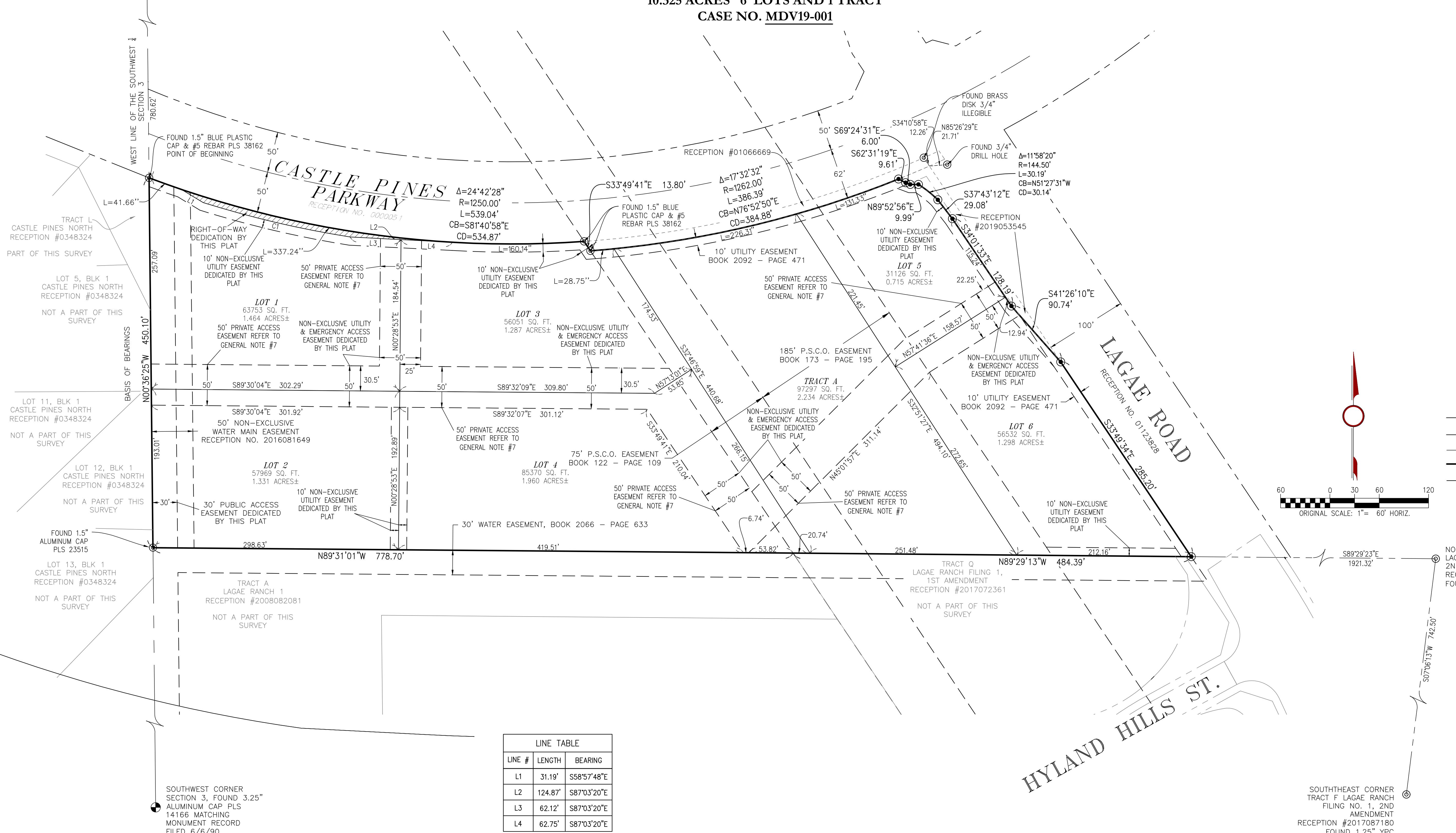


LAGAE FAMILY TRUST MINOR DEVELOPMENT FINAL PLAT

LOCATED IN SOUTHWEST QUARTER OF SECTION 3,
TOWNSHIP 7 SOUTH, RANGE 67 WEST 6TH P.M.
CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO

SHEET 2 OF 2
10.325 ACRES 6 LOTS AND 1 TRACT
CASE NO. MDV19-001

WEST 1/4 CORNER SECTION
3, FOUND 3.25" ALUMINUM
CAP PLS 10734 MATCHING
MONUMENT RECORD FILED
7/31/17
POINT OF COMMENCEMENT



SOUTHEAST CORNER
TRACT F LAGAE RANCH
FILING NO. 1, 2ND
AMENDMENT
RECEPTION #2017087180
FOUND 1.25" YPC
PLS 37993

RICK
ENGINEERING COMPANY
9801 E EASTER AVE.
CENTENNIAL, CO 80112
PH. (303) 537-8020

B. 35 Day External Referral

REFERRAL LIST AND RESPONSE SUMMARY

REFERRAL AGENCY	REFERRAL SENT	RESPONSE RECEIVED
Departments and Divisions of the State of Colorado:		
Divisions of Douglas County:		
1. Douglas County Planning, Engineering, and Addressing	X	X
2. Douglas County Assessor	X	X
Districts, Authorities and Public Agencies:		
3. Castle Pines North Metro District	X	
4. Centennial Airport-Arapahoe County Public Airport Authority	X	
5. Cherry Creek Basin Water Quality Authority	X	
6. Plum Creek Wastewater Authority	X	
7. South Metro Fire & Rescue	X	X
8. Tri-County Health Department	X	X
9. Urban Drainage and Flood Control (Mile High Flood District)	X	X
Utilities:		
10. IREA	X	
11. CenturyLink	X	
12. Comcast	X	
13. Xcel Energy – ROW and Permits	X	X
Property Owners, Homeowner and Community Associations:		
14. North Pine Vistas Metro District	X	
15. HOA 1	X	
16. Meritage Homes	X	
17. Lennar Homes	X	

City of Castle Pines
Community Development Department
360 Village Square Lane, Suite B
Castle Pines, CO 80108
[PHONE: 303-705-0200]
[FAX: 303-688-9414]

Date Sent: 02/2/2020
Comments Due: 04/03/2020

35-DAY REFERRAL RESPONSE REQUEST

Name: Lagae Family Parcel Minor Development Plan (nonresidential)

Case Number: MDV19-001

Request: The Applicant, Ventana Capital, is processing a nonresidential Minor Development for the Lagae Family Parcel. The site is approximately 10.06 acres located at the southwest corner of Castle Pines Parkway and Lagae Road. The Minor Development Application proposes subdivision of the property into seven (7) lots, with proposed uses for City of Castle Pines municipal buildings, commercial development and for open space and detention. The property is currently zoned Business, and it is proposed to remain as currently zoned. This Application proposes development of the site in accordance with City street design and public utility standards. This development will provide overlot grading and retaining walls to create pad sites to be developed with Site Improvement Plans (SIP) by the individual lot owners at a later date. Proposed Roadway improvements for the site are two (2) new entrances into the property; one (1) off Lagae Road and one (1) off Castle Pines Parkway. Internal circulation roads are intended to be private and will be designed and installed by individual lot owners at the SIP stage. Additionally, modification will be required to the existing raised median located in Castle Pines Parkway to provide left-turn access into the site.

Because of the possible effect of the proposed action/development upon your area, or agency, the case is being referred for your comment. Please examine the enclosed request and, after review, check the appropriate line and return to the City of Castle Pines Community Development Department on or before **Friday, April 3, 2020**. Please Note: *Comments not received on or by the date indicated above, will be considered as an endorsement for approval.*

Please review and comment in the space provided



NO COMMENT



PLEASE BE ADVISED OF THE FOLLOWING CONCERNS:

See attached letter.



SEE ATTACHED LETTER

AGENCY: Douglas County Community Development

PRINT NAME: Mike Pesicka

SIGNATURE: Mike Pesicka

PHONE #: _____

DATE: 3/30/2020

EMAIL: mpesicka@douglas.co.us

No public meeting dates have been scheduled before Planning Commission. If you are unable to submit written comments by the due date or need additional materials/information, please contact me—**IMMEDIATELY**.

Sincerely,

Sam Bishop, AICP
Community Development Director

www.douglas.co.us

Project Name: Lagae Family Parcel Minor Development Plan (nonresidential)

Project Number: MDV19-001

Date Received: 02/27/2020

Jurisdiction: City of Castle Pines

Due Date: 04/03/2020

Addressing Comments:

Lots will be addressed with site plan submittals.

Engineering Comments:

No Comments

Planner Comments:

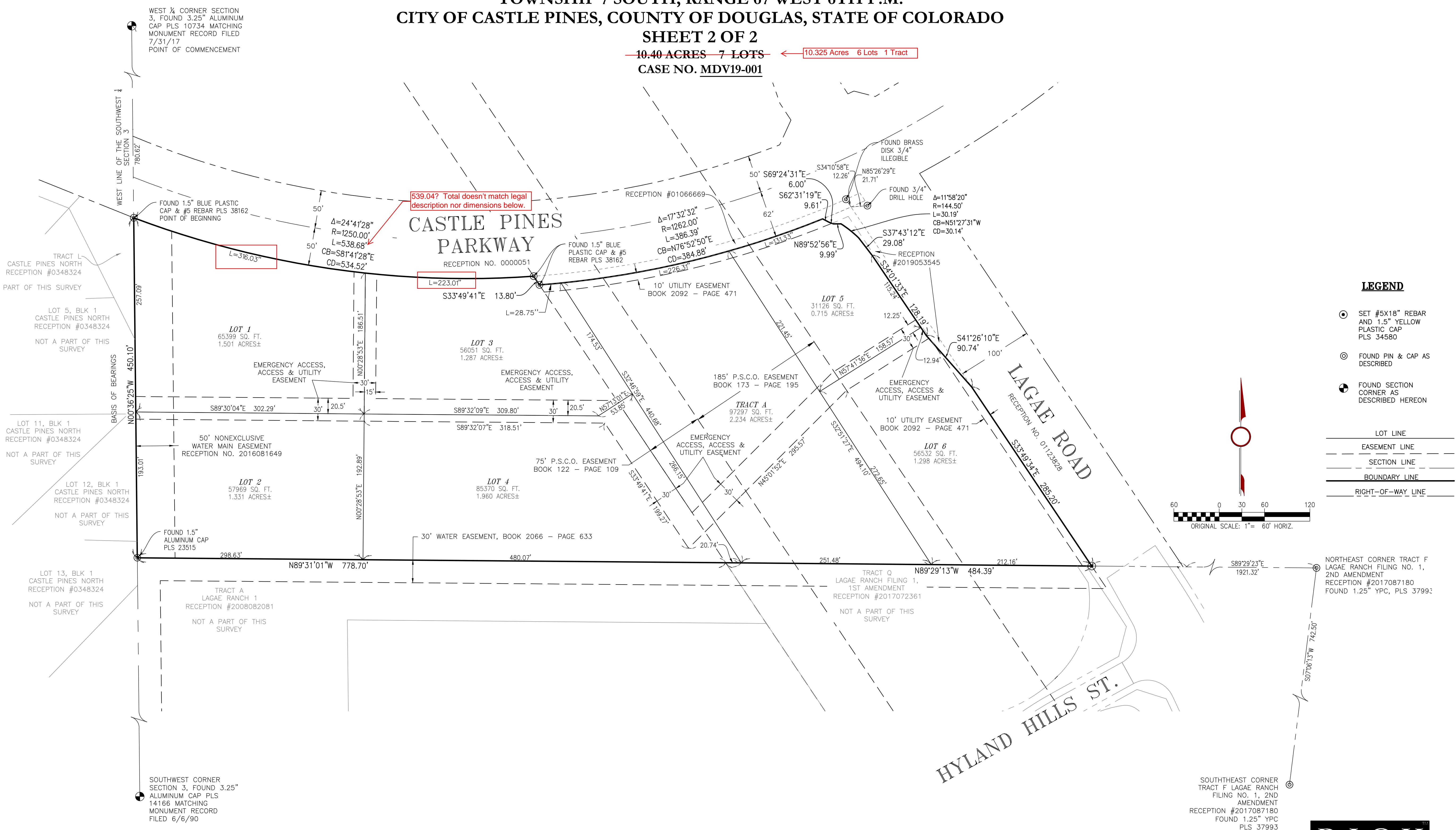
No Comments

LAGAE FAMILY TRUST MINOR DEVELOPMENT FINAL PLAT

LOCATED IN SOUTHWEST QUARTER OF SECTION 3,
TOWNSHIP 7 SOUTH, RANGE 67 WEST 6TH P.M.
CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO

SHEET 2 OF 2

10.40 ACRES - 7 LOTS ← 10.325 Acres 6 Lots 1 Tract
CASE NO. MDV19-001



RICK
ENGINEERING COMPANY
9801 E EASTER AVE.
CENTENNIAL, CO 80112
PH. (303) 537-8020

City of Castle Pines
 Community Development Department
 360 Village Square Lane, Suite B
 Castle Pines, CO 80108
 [PHONE: 303-705-0200]
 [FAX: 303-688-9414]

Date Sent: 02/2/2020
 Comments Due: 04/03/2020

35-DAY REFERRAL RESPONSE REQUEST

Name: Lagae Family Parcel Minor Development Plan (nonresidential)

Case Number: MDV19-001

Request: The Applicant, Ventana Capital, is processing a nonresidential Minor Development for the Lagae Family Parcel. The site is approximately 10.06 acres located at the southwest corner of Castle Pines Parkway and Lagae Road. The Minor Development Application proposes subdivision of the property into seven (7) lots, with proposed uses for City of Castle Pines municipal buildings, commercial development and for open space and detention. The property is currently zoned Business, and it is proposed to remain as currently zoned. This Application proposes development of and retaining walls to create pad sites to be developed with Site Improvement Plans (SIP) by the individual lot owners at a later date. Proposed Roadway improvements for the site are two (2) new entrances into the property; one (1) off Lagae Road and one (1) off Castle Pines Parkway. Internal circulation roads are intended to be private and will be designed and installed by individual lot owners at the SIP stage. Additionally, modification will be required to the existing raised median located in Castle Pines Parkway to provide left-turn access into the site.

Because of the possible effect of the proposed action/development upon your area, or agency, the case is being referred for your comment. Please examine the enclosed request and, after review, check the appropriate line and return to the City of Castle Pines Community Development Department on or before Friday, April 3, 2020. Please Note: Comments not received on or by the date indicated above, will be considered as an endorsement for approval.

Please review and comment in the space provided

NO COMMENT

PLEASE BE ADVISED OF THE FOLLOWING CONCERNS:

SEE ATTACHED LETTER

AGENCY: South Metro Fire Rescue

PRINT NAME: Scott Stene

SIGNATURE: Scott Stene

PHONE #: 720-989-2249

DATE: 3-3-20

EMAIL: scott.stene@southmetro.org

No public meeting dates have been scheduled before Planning Commission. If you are unable to submit written comments by the due date or need additional materials/information, please contact me—IMMEDIATELY.

Sincerely,

Sam Bishop, AICP
 Community Development Director

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Sam Bishop, AICP
City of Castle Pines Community Development
360 Village Square Lane, Suite B
Castle Pines, CO 80108
303-705-0225

Project Name: Lagae Family Trust Minor Development Final Plat
Project File #: **MDV19-001**
S Metro Review #: REFOTH20-00056

Review date: 3-3-20

Plan reviewer: Scott Stene
720-989-2249
Scott.stene@southmetro.org

Project Summary: Proposal to subdivide the current property into seven lots with proposed uses for City of Castle Pines municipal Buildings, commercial development, and open space. It is currently zoned for Business and is proposed to remain.

Code Reference: Douglas County Fire Code, 2015 International Fire Code, 2015 International Building Code as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the above project and has **conditionally approved** the plans based on the following comments that must be resolved prior issuance of any permits. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project.

COMMENTS:

1. **Sit Improvement Plans (SIP) will be submitted for by individual lot owners at a later date.**
2. **Commercial water distribution systems will be submitted with each SIP.**
3. **Road grading shall not exceed 6%.**
4. **Dead-end fire apparatus access roads greater than 150 in length shall provide approved turnarounds.**

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



FIRE ACCESS ROAD DESIGN CRITERIA



BUILDING exterior walls (and any portion thereof) of any buildings that are more than 150 feet from the curb line of a public street shall be served by a Fire Apparatus Access Road which shall be unobstructed. This distance is measured by an approved route around the exterior of the building or facility. Additional allowances may be made for some sprinkler protected structures. Alternate access arrangements may be accepted based on site conditions and building fire protection features.

Due to the possibility of heavy vehicle traffic, residential and commercial collector and arterial roads may not be considered adequate for fire suppression operations; no credit for access to perimeter of buildings shall be given from collectors or arterials, unless specifically approved.

Sites not be capable of meeting these requirements and any alternative means must be evaluated and approved by the Fire Marshal.

FIRE APPARATUS ACCESS ROADS shall be of an all-weather surface capable of supporting the imposed loads of fire apparatus. Maximum grade on site shall not exceed six percent (6%). Roads shall be asphalt or concrete. Other surfaces may be accepted on a case by case basis.

The minimum unobstructed width of the fire apparatus access road shall be 20 feet. In order to maintain the minimum width and prevent obstructions such as parking of vehicles fire lane signs shall be installed in an approved manner. A minimum vertical clearance of 13 feet, 6 inches shall be maintained for the entire required width of the access road.

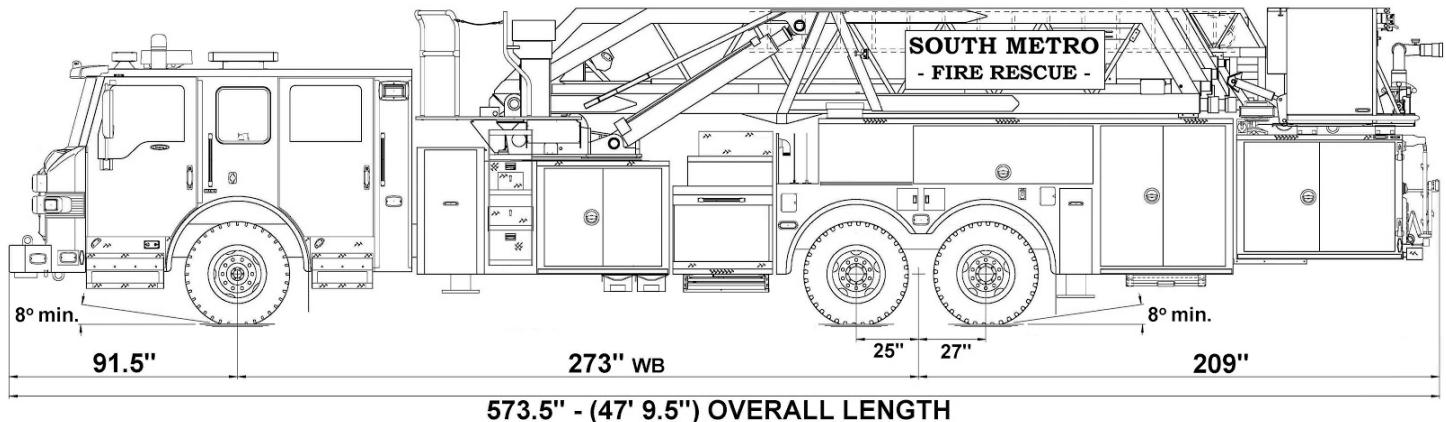
Any dead-end access road over 150 feet long shall be provided with an approved turnaround that may be a circle, tee, hammerhead, or other functional approved design.

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE

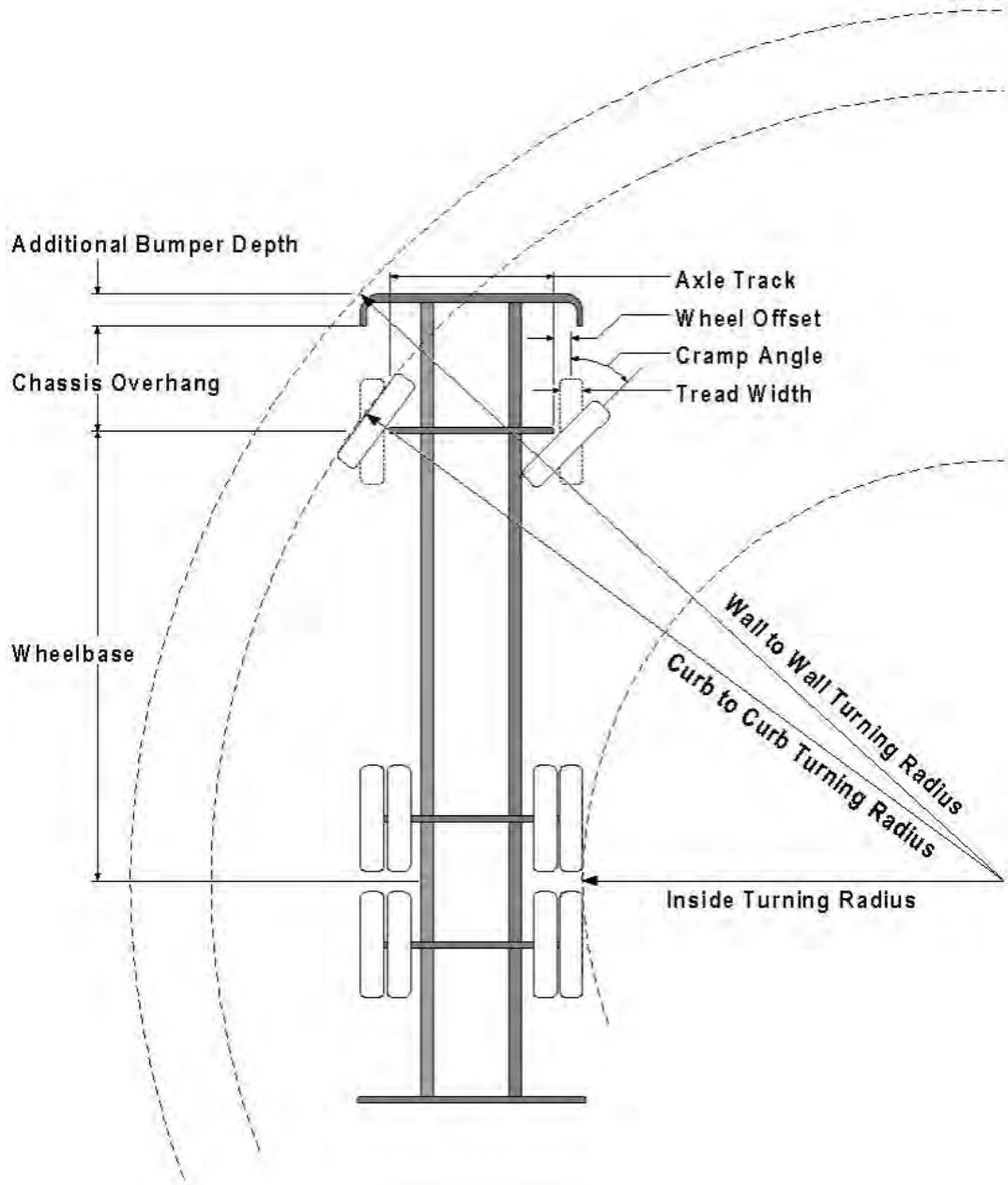


VEHICLE SPECIFICATIONS are provided for the largest apparatus in use by South Metro Fire Rescue. Fire Apparatus Access Roads shall be capable of accommodating this apparatus.



SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Vehicle Specifications

Length: 47' 9.5"

Width: 8' 5" - (10' 1" mirror to mirror)

Height: 10' 9"

Wheelbase: 273 in.

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Design load: 80,000 pounds

Inside Cramp Angle: 40°

Axle Track: 83"

Wheel Offset: 5.3"

Tread Width: 13.5"

Turning Radii:

Inside Turn: 26 ft. 1 in.

Curb to curb: 41 ft. 11 in.

Wall to wall: 46 ft. 8 in.

Where objects are present adjacent to the fire apparatus access road, particularly on turns and turn arounds which require backing, a reasonable safety margin shall be provided to prevent potential damage to the property and to the fire apparatus.

PRIVATE ROADS that provide access to more than two dwellings or one or more commercial buildings shall be constructed to meet the roadway standards approved by the South Metro Fire Rescue Authority for fire apparatus access. Private roads that do not meet the roadway standard may be accepted provided that alternative methods and materials are incorporated into the subdivision that address the fire and life safety of the citizens.



March 24, 2020

Sam Bishop
City of Castle Pines
7501 Village Square Drive, Suite 10
Castle Pines, CO 80108

RE: Lagae Family Parcel Minor Development Plan (nonresidential), MDV19-001
TCHD Case No. 6166

Dear Mr. Bishop,

Thank you for the opportunity to review and comment on the nonresidential minor development plan for the 7 lots proposed to be used for City of Castle Pines municipal buildings, commercial development, and open space located at the southwest corner of Castle Pines Parkway and Lagae Road. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Mosquito Control - Stormwater Facilities

The site plan indicates that a detention pond is proposed. Detention ponds can become sites for mosquito breeding. To reduce the potential for human exposures to West Nile and other mosquito-borne viruses, TCHD recommends that the applicant prepare a mosquito control plan. Elements of the plan should include proper design, construction and regular inspection and maintenance of stormwater quality facilities, and mosquito larvaciding if the insects become a problem. The applicant may submit the mosquito control plan to TCHD for review. More information is available here <http://www.tchd.org/276/Mosquitoes-West-Nile-Virus>. A guidance document is attached.

Community design to support walking and bicycling

Because chronic diseases related to physical inactivity and obesity now rank among the country's greatest public health risks, TCHD encourages community designs that make it easy for people to include regular physical activity, such as walking and bicycling, in their daily routines. Because research shows that the way we design our communities can encourage regular physical activity, TCHD strongly supports community plans that incorporate pedestrian and bicycle amenities that support the use of a broader pedestrian and bicycle network.

In order to promote walking and bicycling through this development, TCHD encourages the applicant to consider the inclusion of the following as they design the community.

- A system of sidewalks, bike paths and open space trail networks that are well-designed and well-lit, safe, and attractive so as to promote bicycle and pedestrian use.
- Bicycle and pedestrian networks that provide direct connections between destinations in and adjacent to the community.

Lagae Family Parcel
March 24, 2020
Page 2 of 5

- Where public transportation systems exist, direct pedestrian access should be provided to increase transit use and reduce unnecessary vehicle trips, and related vehicle emissions. The pedestrian/bicycle networks should be integrated with the existing and future transit plans for the area.
- Streets that are designed to be pedestrian/bike friendly and to reduce vehicle and pedestrian/bicycle fatalities.
- Bicycle facilities and racks are provided in convenient locations.

Healthy building design standards

Building design can impact health in several ways including through the materials used and the amount of volatile organic compounds (VOCs) or other harmful chemicals that they contain, the air and water quality, the amount of daylight available, and even by encouraging physical activity and social interaction. TCHD encourages the applicant to consider incorporating design standards into the development to ensure a health-promoting environment. The applicant could pursue building certifications such as LEED, WELL Building Standard, Certified Healthy, or Living Building Challenge.

Smoke-Free Zones

Tobacco use is a leading cause of preventable death in the United States. Smoking and tobacco use can cause many kinds of cancer, heart disease, stroke, and lung disease. Exposure to second-hand smoke also increases the risk of tobacco-related diseases. Smoke-free zone policies encourage smokers to quit, discourage non-smokers and youth from starting, reduce exposure to second-hand smoke, and reduce litter associated with smoking (i.e. cigarette and cigar butts, cigarette and cigar packaging, lighters and matches). TCHD recommends that the applicant adopt a smoke-free policy for their property. For more information on smoke-free policies, please contact TCHD's Chronic Disease Prevention Program at (720) 200-1660 or visit <http://www.tchd.org/275/Tobacco-Prevention>.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,



Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Keith Homersham, TCHD

**Tri-County Health Department
Guidance for Preparation of
Mosquito Control Plan**

A Mosquito Control Plan should contain the following elements:

1. Designation of a management entity

This is the entity with authority/responsibility for implementing the plan. Typically, this will be a Special District or a Homeowners Association. If this is the case, the applicant shall submit a copy of the organizational Service Plan, by-laws or other legal document providing the authority for mosquito control. If the entity is the developer, this should be noted.

2. Funding mechanism

A method needs to be put in place to finance the program. This could be a commitment for the Service District, HOA or developer to include adequate funds for the activities as part of its annual budgeting process, or a plan by the District or HOA to assess an annual fee on residents in the subject service area, or to fund the program in some other way, per its legal authority as noted in #1.

3. Activities that will be undertaken to prevent mosquito breeding conditions

This section places emphasis on the proper design, construction, operation and maintenance of stormwater facilities to prevent mosquitoes from breeding. In most instances, it is nothing different than is already required by the County and Volume 3 of the Urban Drainage and Flood Control District's (UDFCD) Urban Storm Drainage Criteria Manual for flood control and stormwater quality. The literature on this subject, supported by local field experience, suggests that if stormwater facilities are well-designed, built to specification, and regularly inspected and maintained to meet operating standards, stormwater facilities that are designed to completely drain in 72 hours or less are likely to do so and to prevent mosquito breeding conditions.

The likelihood or extent of mosquito breeding can also be reduced through the proper design, construction and inspection/maintenance of retention ponds or constructed wetlands that are intended to hold permanent water pools.

We have found that at the time of construction of stormwater facilities, there is often little thought given to continuity of maintenance. Requiring the applicant to think through the tasks that need to be accomplished from design through operation, who will be responsible for tasks in each phase, and a schedule for their accomplishment increases the probability that these tasks will be completed.

Ideally, before getting to this point, the applicant will have considered stormwater facility options that do not rely on extended retention or detention of stormwater without flushing over a period of 2-3 days; e.g. grass swales, porous pavements, landscape detention, reducing directly connecting impervious areas to increase infiltration. This would be

coordinated through and in compliance with the requirements of the County's Engineering and/or Stormwater sections.

Suggested elements in this section include the following:

- Design review – Qualified personnel review construction plans and conduct field investigation to ensure construction per specifications of UDFCD Volume 3 and County criteria.
- Operation and maintenance activities:
This should identify who will conduct these activities (e.g., staff or contractor), and a schedule or trigger point for doing each task. Again, the UDFCD's Vol. 3 contains minimum operation and maintenance activities. If staff are to be used, this section should note if they will need training and how they will receive it.
- Regular inspections:
Facilities that are found to retain water should be inspected regularly to ensure that no mosquito larvae are present. Facilities should be inspected once a week beginning in April and continuing through September.
- Larvacide program:
Even if inspections do not reveal larvae, a larvacing program should be established as a preventive measure at the same time that the inspection program begins (generally May) and continue through September. Some mosquitoes lay their eggs in mud, and when rain falls later, they can hatch and present a problem. Larvacide should be applied at the recommended rate and frequency specified by the product manufacturer. Mosquito control products can be found by doing a search on the internet.
Natural control of mosquito larva can be very effective if done properly. Consult the Colorado Department of Wildlife, Fisheries Division, for consultation on proper stocking of ponds with fish that will effectively control mosquito larvae.

For Technical Assistance - Contact Monte Deatrich, Tri-County Health Department's mosquito control specialist, if you have any questions about any elements of the mosquito control program. Mr. Deatrich is in Tri-County's Commerce City office; he can be reached by phone at (303) 439-5902, or by e-mail at mdeatric@tchd.org.

Lagae Family Parcel

March 24, 2020

Page 5 of 5

MAINTENANCE ELIGIBILITY PROGRAM (MEP)

MHFD Referral Review Comments

For Internal MHFD Use Only.	
MEP ID:	108058
Submittal ID:	10004492
MEP Phase:	Referral

Date: April 6, 2020

To:

Via email

RE: MHFD Referral Review Comments

Project Name:	LAGAE FAMILY TRUST
Location:	SW Corner of Castle Pines Pkwy at Lagae Rd
Drainageway:	Happy Canyon Creek

This letter is in response to the request for our comments concerning the referenced project. We have reviewed this proposal only as it relates to maintenance eligibility of major drainage features, in this case:

- Not applicable

We have no comments on the referenced project as it not eligible for maintenance. The site is not adjacent to a Major drainageway or mapped floodplain and does not include any proposed MHFD Master Plan Improvements. We do not need to review future submittals.

We appreciate the opportunity to review this proposal. Please feel free to contact me with any questions or concerns.

Sincerely,



Kurt Bauer, P.E., CFM
 Project Manager, Watershed Services
 Mile High Flood District
 KBB/brz



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

April 2, 2020

City of Castle Pines Community Department
7501 Village Square Drive, Suite 100
Castle Pines, CO 80108

Attn: Sam Bishop

Re: Lagae Family Trust Parcel Minor Development Final Plat, Case # MDV19-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined **there are potential conflicts/issues** with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the minor development plat, it is the responsibility of the property owner/developer/contractor to go to the website at www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement.

Additionally, PSCo has a proposed high pressure natural gas transmission pipeline along part of Castle Pines Parkway and within the existing PSCo electric transmission easement. An **engineering review** may be necessary depending on the timing of either construction project. The property owner/developer/contractor must contact PSCo's Encroachment Team for development plan review and execution of a License Agreement (upload all files in PDF format) at: https://www.xcelenergy.com/working_with_us/builders/encroachment_requests and click on Colorado if necessary. An engineer will then be in contact to request specific plan sheets. Please see the attached Exhibit B for more information.

As always, thank you for the opportunity to take part in the review process. To ensure that adequate utility easements are available within this development, PSCo requests that the following language or plat note is placed on the preliminary and final plats for the subdivision:

Minimum 10-foot wide dry utility easements are hereby dedicated on private property abutting all public streets and around the perimeter of each commercial/industrial lot in the subdivision or platted area including tracts, parcels and/or open space areas. These easements are dedicated to the City of Castle Pines for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove

any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 to have all utilities located prior to any construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Exhibit B

Minimum Requirements for Grading and Excavation near Public Service Company of Colorado Transmission Pipeline(s)

1) General

- a. Colorado State Law Requires notification before excavation around utilities occurs. Requestor or Requestor's Contractor must call the Utility Notification Center of Colorado (UNCC) 1-800-922-1987 (811 when calling within Colorado) 48 hours prior to excavation, including the grading of the right of way, begins. Public Service Company of Colorado (PSCo) representatives provide these construction locates at its' cost as a participant in the one call system.
- b. All costs for labor, equipment and materials required to repair any damage to the pipeline(s) caused by Requestor or its' Contractors will be the responsibility of the Requestor and/or its Contractors for reimbursement to PSCo.
- c. Requestor's Contractor shall provide access to PSCo facilities on the project site for inspection by PSCo Personnel. Open excavations that need to be entered by PSCo Personnel shall conform to all federal, state and local jurisdictional codes and regulations governing safe entry and exit from open excavations.
- d. A fully executed agreement, applicable to the type of right being requested, between the Requestor and PSCo must be completed prior to construction activity within the PSCo ROW.
- e. Requests for installation of improvements by Requestor within the PSCo ROW must be reviewed and approved by PSCo High Pressure (HP) Gas Engineering and Operations. Installation of, and all costs associated with any improvements, are the responsibility of the Requestor. All costs associated with repairs or relocation of these improvements to accommodate PSCo Operations and Maintenance work on the existing pipeline(s) or installation of a new pipeline will be the responsibility of the Owner of record of the property at the time the work is performed.
- f. In the mutual interest of project coordination and scheduling of PSCo resources for your project, PSCo requests invitation to the Pre-Construction Meeting to obtain actual schedules and construction plans, make introductions and address any site specific conditions or project changes that have occurred between Final Design Review and Construction.
- g. Any exceptions to the Minimum Requirements stated in this document must be requested in writing and reviewed by PSCo HP Gas Engineering and Operations before approval for construction activity on the PSCo pipeline(s) permitted ROW is given.
- h. Any change in Requestor's construction plan and or scope of work that was agreed to between the Requestor and PSCo prior to, or during, construction must be presented to PSCo HP Gas Engineering and Operations for additional review and modification of requirements.
- i. Additional requirements may apply to address issues not foreseen during review of Requestor's proposal.

2) Engineering

- a. Specifications of weight and type of any heavy equipment or trucks planned to be run over or along the pipeline(s) are required to be submitted to PSCo HP Gas Engineering for analysis of excessive live load stresses induced on the pipeline(s) prior to approval for crossing is given.
 - i. Should calculated allowable stresses induced by Requestor equipment traveling over the PSCo pipeline(s) be exceeded, Requestor will be required to install additional temporary fill over the pipeline(s).
 - ii. If calculated allowable combined stress on the pipeline(s) can not be reduced below limits by adding additional protective fill over the pipeline(s) or the depth of additional fill is deemed impractical, a temporary bridging structure installed over the pipeline(s) will be required to mitigate the excess stress on the pipeline(s).
 1. This bridging structure must be constructed of timbers, plates or other material that does not allow the driving surface to come in contact with the ground surface. The supports for the driving surface of the bridging structure may be of dirt or other material with the inside edges of the supports placed a minimum of 5 feet from the center line of the PSCo pipeline(s).
- b. Requestor's Plans must contain surveyed horizontal location of the PSCo pipeline(s) throughout the project area based on current field locates. Surveyed vertical location of the PSCo pipeline(s) based on pothole information must be presented on the Proposed Construction Drawings Profile Sheets at all Requestor facility crossing locations of the pipeline(s) prior to final comment and approval of the plans.
- c. Locates and or potholing for the purpose of Requestor's engineering, design and construction drawings to establish the horizontal and vertical locations of PSCo facilities and all associated costs will be the responsibility of Requestor. A PSCo representative will be required to be on site during any pothole operations.
 - i. Potholing with excavation equipment during frost conditions will not be allowed unless contractor thaws ground prior to excavation. Potholing with vac-truck will be allowed under any conditions
- d. **Any excavator acting in a reckless manner while working in the area of Xcel Energy pipelines shall be asked to stop their work in that area. Work will not be allowed to continue until Xcel Energy personnel deem the situation has returned to a safe situation.**

e. Blasting Near PSCo Facilities

i. Notification

1. In accordance with Article 7 of Title 9 of CRS “Explosive Act”, Section 6.1.7, Utilities must be notified at least 24 hours prior to commencement of blasting activity. If Blasting is anticipated for this project an “Explosive Use Application and Notification” and the associated Agreement Document must be processed before blasting activities may commence near the PSCo pipeline(s). It is recommended that this notification be made at least one month in advance of actual blasting activities to allow for processing of these documents and any studies that may need to be performed to access the applicants blasting plan.

ii. Limits

1. Buried Pipe - Total Combined (Effective) Stresses on the pipe must not exceed **50%** of the specified minimum yield strength of the pipe.
2. Above Ground Pipe –Blasting operations must not generate Peak Particle Velocity (PPV) greater than 1 in/sec.

f. Vibrations from dynamic compaction equipment or other sources must be maintained at a peak particle velocity of not greater than 1 in /sec as measured in any one of the three components of a seismographic reading.

3) Inspection

- a. PSCo will require that one of its Field Operators be on site during the potholing, excavation, site grading, backfill operations, compaction, and installation of your facilities when working within the pipeline(s) easement and/or a minimum of fifteen (15) Ft from the outer limits of the locate marks for the PSCo pipeline(s). This standby expense is covered by PSCo during a normal 8 hour day Monday - Friday. Any time required in excess of 8 hours per day or weekend and holidays will be billed to the Third Party of the facilities under construction at the applicable PSCo Labor Overtime Rates and Equipment/Vehicle Rates.
- b. Requests for standby will be filled on a first-come, first-served basis, consistent with the number of personnel available for standby and Xcel Energy workload at that time. It is not our intent to unnecessarily impede the work schedule of the installation contractor, and we will strive to be as available as possible.
- c. Appointments for standby excavations shall be scheduled to minimize the amount of time Xcel Energy personnel are waiting during contractor setup. Contractors will be charged at the applicable straight time or overtime PSCo labor rate and Equipment/Vehicle per hour for time between appointment time and actual start time (i.e. a call for an 8:00 A.M. standby and actual construction start time of 10:00 A.M. will result in 2 hours of the applicable straight time or overtime PSCo labor and Equipment/vehicle charges)
- d. Frequency and duration of Field Operator Standby will be determined during the initial site visit with the Requestor’s Construction Contractor based on construction schedule and phasing of construction activities as they relate to work near the PSCo pipeline(s).

- e. Potholing frequency during construction will be at the discretion of the PSCo Inspector on site on an as needed basis based on field conditions and proximity of the excavation to the pipe.
- f. Potholing with excavation equipment during frost conditions will not be allowed unless contractor thaws ground prior to excavation. Potholing with vac-truck will be allowed under any conditions.

4) Construction

- a. Grading, Excavation, Installation, Backfill
 - i. A “Method of Construction Plan” shall be provided to PSCo HP Gas Engineering and Operations for review and approval prior to the beginning of construction.
 - ii. For Parallel Encroachments, the recommended method of construction is to place the trench spoils between the Requestor line and the PSCo line and set the working side on the opposite side of the trench from the spoil pile.
 - 1. Alternate Method of Construction
 - a. Install a layer of straw or some other method of identifying the top of the existing ground elevation then place trench spoils on top of the line. During backfill operations, removal of the spoil shall stop at the level of the warning material.
 - b. Requests to work above existing PSCo pipeline(s), either on top of existing ground elevation or top of spoil pile, will be reviewed on a case by case basis. Requestor must provide specs for all equipment that will be traveling on top of the line for calculation of combined stresses for determination if allowable combined stress levels are exceeded prior to approval of this method
 - iii. The maximum unsupported length of PSCo's 2" and larger diameter High Pressure Natural Gas pipeline(s) is **15** feet.
 - 1. Specific calculations can be made for pipe diameter's greater than 2" in outside diameter to determine greater free span lengths.
 - 2. Should Requestor excavation require a greater length of the pipe be exposed than allowable stress limits dictate, plans for providing support will be required to be submitted to PSCo HP Gas Engineering for review and approval. This support system can be provided by the third party's contractor and installed under the supervision of the on-site PSCo Energy Employee. A list of qualified pipeline contractors to perform this work, if needed, can be supplied to you if so requested.
 - iv. If site re-grading leaves less than 36" of cover over the PSCo pipeline(s), the pipe will have to be lowered or additional protection measures installed over the pipe such as concrete capping or steel plating. Any mitigation measures, including engineering of such structures, will be at the expense of the Third Party of the facilities being constructed.
 - v. Backfill operations around exposed sections of PSCo's pipeline(s) shall be inspected by a PSCo representative.

- vi. Any sections of the PSCo pipeline(s) that are exposed during construction must be padded with material passing $\frac{3}{4}$ " minus screens that is non-angular in shape to a depth of one (1) foot above the top of pipe before native material passing 6" minus screens or two (2) feet above the top of pipe before native material passing greater than 6" plus screens can be used for the remaining backfill. Bedding material of an angular nature and/or passing 2" minus screens may be used if rock shield, epoxy coating applied to a thickness of 30 mils or greater, or other abrasion resistant coating, is installed around the pipe over the entire exposed length. Installation of any such additional protective coating installation shall be inspected by a PSCo representative.
- vii. Utilization of flowable fill with cement or fly ash binder material may be utilized once one (1) foot of cover is established over the PSCo pipeline(s) with consolidated, non-abrasive, bedding material. The flowable fill must be able to be excavated with a shovel. The flowable fill shall extend ten feet on either side of the PSCo pipe and extend to the trench walls. The use of flowable fills is subject to approval of the local government authorities.
- viii. Other backfill material not requiring additional compactive effort to obtain required dry densities of the project specifications may be utilized around the pipe. Submittal of a backfill plan and material specifications shall be presented to PSCo HP Gas Engineering and local government authorities for review before approval is granted.
- ix. Permanently added fill over PSCo pipeline(s) shall not exceed a typical depth of cover of four (4) feet over the top of PSCo's pipeline(s) at final grade. Exceptions due to terrain, grading requirements and re-establishment of slopes must be reviewed with PSCo HP Gas Engineering but shall not exceed eight (8) feet of cover over the top of the PSCo pipeline(s).

b. Compaction over PSCo Pipelines

- i. No heavy vibratory compaction equipment (driver operated) will be allowed over or along the length of the PSCo pipeline(s) in the area requiring compaction and for a distance of ten (10) feet on either side of the outside wall of the pipe and ten (10) feet from the ends of the pipe length at the compaction area limits if less than three (3) feet of cover is left over the pipe after sub excavation work is completed.
- ii. Light vibratory compaction equipment (jumping jacks, walk behind or remote control rollers) may be utilized once the minimum one (1) foot of bedding material cover over the top of the PSCo pipeline(s) is established.

c. Facility Crossings

- i. Buried Facility Crossings of the PSCo pipeline(s) will be required to go under or over the PSCo pipeline(s) with a minimum clearance of two (2) feet to the bottom or top respectively of the PSCo pipeline(s).
- ii. Buried facilities installed parallel to the PSCo pipeline(s) must maintain a minimum horizontal separation of ten (10) feet from the pipeline(s). If this minimum horizontal separation cannot be maintained, the top of the facility being installed will be required to be one (1) feet below the bottom of the PSCo pipeline(s) for every foot closer than ten (10) feet to the pipeline(s).

d. Improvements/Structure/Facility Placement

- i. No surface or sub-grade structures or utility facilities will be allowed within the PSCo ROW limits without plan review approval from PSCo HP Gas Engineering and Operations. Potential ignition source facilities shall be a minimum of fifteen (15) from the outside wall of the pipe

e. Landscape Installation

- i. No planting of vegetation will be allowed within the PSCo ROW limits without plan review approval from PSCo HP Gas Engineering and Operations. Under no circumstances will trees be allowed to be planted over the pipeline(s) within the PSCo ROW limits and shall be no closer than fifteen (15) feet from the outside wall of the pipe.

f. Cathodic Protection

- i. A copy of the Requestor Cathodic Protection (CP) System design shall be provided to PSCo for review prior to construction. .
- ii. At crossing locations, Stray Current Mitigation will be required if either pipeline is cathodically protected from a rectified ground bed system. At a minimum this shall consist of a run of two # 8 wires from Public Service Company (PSCo) pipe and 2 # 8 wires up from the third party facility pipe into a common or separate test station for bonding of the two systems together if necessary. The wires could either run to the test station in a common conduit or separate conduits. In addition, four 17# or larger anodes are to be placed in each quadrant of the crossing pipes and placed vertically equidistant between the two pipelines. PSCo will provide the material for its CP test station and assist **Requestor's** contractor with installation of the test station.
- iii. For parallel encroachments, at locations where third party is installing a CP Test Station, the third party will be required to expose the PSCo pipeline(s) for installation of a CP test station for monitoring of interference. PSCo will provide the material for its CP test station and assist the third party's contractor with installation of the test station.

5) Post Construction

a. Permanent Private Road Crossings

- i. Permanent private access roads intended for use by vehicles with a loaded single axle rating of less than or equal to CDOT load limits, must provide and maintain a minimum of **4** feet of cover over the PSCo pipeline(s). Any party needing to cross the PSCo pipeline(s) with vehicles in excess of the CDOT Load Limits per single axle must contact PSCo for additional requirements or place bridging structures over the located pipeline(s).
 - ii. Permanent private access roads intended for use by vehicles with a loaded single axle rating of less than or equal to 20,000 lb per axle, must provide and maintain a minimum of **4 (four)** feet of cover over the PSCo pipeline(s).
 - iii. Tracked equipment crossings of the PSCo pipeline(s) must be made via tractor/lowboy transport adhering to the restrictions of section 5.a.i. and 5.a.ii. If it is desired to track the equipment over the PSCo pipeline(s), PSCo must be contacted to calculate the limits for the specific piece of equipment or provide a bridging structure over the pipeline(s) in accordance with Section 2.a.ii.1.
- b. Four wheel all terrain sport and utility vehicles and dirt bikes are exempt from this section's restrictions. A minimum cover of twelve (12") inches of dirt over the pipe must be present before these vehicles can cross over the pipe.
 - c. It is recommended that Requestor install and maintain load limit signage at all road crossings of the PSCo pipeline(s).
 - d. PSCo will place pipeline markers at all permanent road crossings that are to remain at the conclusion of the installation of the Requestor pipeline.

C. Applicant's Response to Referral Comments

35-Day Referral Response Letter (Mike Pesicka, Douglas County Community Development)

DC.. Addressing Comments

- DC1. Lots will be addressed with site plan submittals.

RESPONSE: Noted and correct.

Final Plat Comment Letter (Scott Stene, South Metro Fire Rescue)

SM.. Comments

- SM1. Site Improvement Plans (SIP) will be submitted for by individual lot owners at a later date.

RESPONSE: Correct

- SM2. Commercial water distribution systems will be submitted with each SIP.

RESPONSE: Correct

- SM3. Road grading shall not exceed 6%.

RESPONSE: Correct

- SM4. Dead-end fire apparatus access roads greater than 150 in length shall provide approved turnarounds.

RESPONSE: Noted. No dead-end fire access roads are proposed at this time. Prior to development of individual lots, a Development Agreement shall be signed assuring paved fire apparatus access roads will be completed to access each individual lot.

Final Plat Comment Letter (Donna George, Xcel Energy, Right of Way Permits)

- X1. Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined there are potential conflicts/issues with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the minor development plat, it is the responsibility of the property owner/developer/contractor to go to the website at www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement.

RESPONSE: Rick Engineering had a meeting on January 9th 2020 with Tom Henley, Area Manager for Xcel Energy and Patrick Stewart of the Transmission Engineering team to review design compliance with the overhead high voltage lines existing on site. Xcel was satisfied in principle with the design and confirmed that a detailed

analysis will be confirmed during the encroachment application process. The encroachment application and requested plan review regarding a License agreement are underway.

- X2. Additionally, PSCo has a proposed high pressure natural gas transmission pipeline along part of Castle Pines Parkway and within the existing PSCo electric transmission easement. An engineering review may be necessary depending on the timing of either construction project. The property owner/developer/contractor must contact PSCo's Encroachment Team for development plan review and execution of a License Agreement (upload all files in PDF format) at:
https://www.xcelenergy.com/working_with_us/builders/encroachment_requests and click on Colorado if necessary. An engineer will then be in contact to request specific plan sheets. Please see the attached Exhibit B for more information.

RESPONSE: These guidelines for construction activities near transmission pipelines are noted. Rick Engineering had a meeting on December 6th 2019 with Tom Henley, Area Manager for Xcel Energy and Derek Loveland of the design team regarding the proposed high pressure gas main through our property. During our meeting, our design was compared with the bore design for the pipeline and it was determined that the pipe would have adequate cover and that our current design would comply with Xcel's requirements regarding the high pressure gas line to be installed. The encroachment application is currently underway.

- X2. As always, thank you for the opportunity to take part in the review process. To ensure that adequate utility easements are available within this development, PSCo requests that the following language or plat note is placed on the preliminary and final plats for the subdivision:
- Minimum 10-foot wide dry utility easements are hereby dedicated on private property abutting all public streets and around the perimeter of each commercial/industrial lot in the subdivision or platted area including tracts, parcels and/or open space areas. These easements are dedicated to the City of Castle Pines for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.*

RESPONSE: As there are a number of existing PSCo easements on site and in lieu of the above note, the use of existing easements, non-exclusive utility easements and new 10' easements as specified on the plat are to be utilized. The location and size of these

was agreed with Donna George via email on April 8 2020. These easements shall be dedicated by separate instrument in the PSCo standard form prior to recordation of this plat.

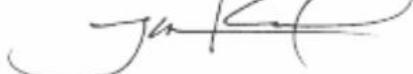
- X2. The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

RESPONSE: Noted. This will be completed by individual applicants at the SIP phase.

With this submittal we have provided collated point-by-point responses to all referral agency comments. We have also included revised application documents associated with these comments. Please let me know if you have any questions concerning this response letter and/or the enclosed documents.

Sincerely,

RICK ENGINEERING COMPANY



Jason Krall, PE
Principal Project Engineer

cc: Tom Clark, Ventana Capital

From: [Jason Krall](#)
To: [George, Donna L](#)
Subject: RE: Lagae Family Trust, City of Castle Pines; PSCo easements

Hi Donna

Thanks you for your review and quick reply, it is much appreciated. I will add in the 10' easement along Lagae Road in Lot 5 – it appears that there once was a continuous easement there, but it has been overtaken by right-of-way.

Regards

Jason Krall PE

PRINCIPAL PROJECT ENGINEER

d 303.537.8028

jkral@rickengineering.com

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From: George, Donna L <Donna.L.George@xcelenergy.com>
Sent: Wednesday, April 8, 2020 9:31 AM
To: Jason Krall <jkral@rickengineering.com>
Subject: RE: Lagae Family Trust, City of Castle Pines; PSCo easements

Hi Jason,

In looking at the mark-up, all of these are great! Thanks very much. The only addition I request is that the 10-feet be continued along Lagae Road in Lot 5, it's sort of unconnected there.

Please note that the existing PSCo easements are for *transmission*, and aren't necessarily always for use by our *distribution* facilities.

Stay safe and healthy!

*Donna George
Xcel Energy
Right of Way and Permits
working from home for the foreseeable future...
donna.l.george@xcelenergy.com*

From: Jason Krall <jkral@rickengineering.com>
Sent: Tuesday, April 7, 2020 4:58 PM
To: George, Donna L <Donna.L.George@xcelenergy.com>
Cc: Robert Fitch <rfitch@rickengineering.com>

Subject: Lagae Family Trust, City of Castle Pines; PSCo easements

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Hi Donna

I am following up regarding the phone message that I left you earlier today. We have received your comment letter for the Lagae Family Trust Minor Development Plat, and I wanted to discuss the particulars around your comment requesting 10' dry utility easements abutting all streets, tracts and lots.

The property currently has a number of PSCo easements, including an easement over the entirety of Tract A which extends into the adjacent lots by 10'. In addition to these existing easements, we would like to propose the shared use of an access and utility corridor that would include water, sewer and dry utilities. We are proposing to increase the size of the easement as previously proposed from 30' to 50' to accommodate the shared use. Additionally to the existing and proposed shared use easement, we can accommodate 10' dry utility easements in the locations shown on the attached. We would propose to show the shared and dry easements as depicted on the plat, and also include your note amended as below:

Minimum 10-foot wide dry utility easements are hereby dedicated on private property as depicted on the Final Plat ~~abutting all public streets and around the perimeter of each commercial/industrial lot in the subdivision or platted area including tracts, parcels and/or open space areas~~. These easements are dedicated to the City of Castle Pines for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

Please have a look at the marked up plan sheet for what we are proposing, and please give me a call to discuss if this would satisfy your requirements to serve the individual lots and if you have any questions or suggested edits

Thank you

Jason Krall PE

PRINCIPAL PROJECT ENGINEER

d 303.537.8028

jkral@rickengineering.com

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From: [Loveland, Derek R](#)
To: [Vallejos, Jesse M](#); [Jason Krall](#)
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)
Date: Wednesday, April 15, 2020 1:14:23 PM

Thanks Jesse,

Jason, No additional steps are needed at this time. We may want to get your topo cad plans though for when we finish designing the bore.

Thanks,
Derek R. Loveland
P: 303.571.3926

From: Vallejos, Jesse M <Jesse.M.Vallejos@xcelenergy.com>
Sent: Wednesday, April 15, 2020 12:35 PM
To: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>; Jason Krall <jkrall@rickengineering.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

Derek,

If we do not have line there then, no, we would not need a License as there is technically no encroachment.

Thanks,

Jesse Vallejos
Xcel Energy | Responsible By Nature
Senior Agent, Right of Way & Permits
1123 West 3rd Ave., Denver, CO. 80223
P: 303-571-3304 F: 303-571-3100
jesse.m.vallejos@xcelenergy.com

[XCELENERGY.COM](#)

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From: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>
Sent: Wednesday, April 15, 2020 12:31 PM
To: Jason Krall <jkrall@rickengineering.com>; Vallejos, Jesse M <Jesse.M.Vallejos@xcelenergy.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

Jason,

Since there isn't an actual pipeline there yet, I don't know if you need a license agreement for this.

Jesse,

They won't need a license agreement since the new line is not in place yet correct?

Thanks,

Derek R. Loveland

P: 303.571.3926

From: Jason Krall <jkral@rickengineering.com>

Sent: Wednesday, April 15, 2020 12:28 PM

To: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>

Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

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Hi Derek

No problem – the pond elevation has remained the same, so no change since our last discussion.

I am just working through the formal encroachment, ROW and permitting process with these emails

Thanks

Jason Krall PE

PRINCIPAL PROJECT ENGINEER

d 303.537.8028

jkral@rickengineering.com

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From: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>

Sent: Wednesday, April 15, 2020 12:23 PM

To: Jason Krall <jkral@rickengineering.com>

Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

Oh my apologies, I was mixing this up with another encroachment in the area. We are still boring that entire stretch so we will be well under the drainage. Is the bottom drainage elevation the same as the last time we discussed this? We will need to drill deeper if you have gone deeper.

Thanks,
Derek R. Loveland
P: 303.571.3926

From: Jason Krall <jkral@rickengineering.com>
Sent: Wednesday, April 15, 2020 12:12 PM
To: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>; Henley, Tom <tom.henley@xcelenergy.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

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Hi Derek

This is the property we discussed late last year regarding the proposed installation of the bored high pressure gas main (ultimately feeding the Canyons). I don't believe we have conflicts with any existing gas on the property.

This was also discussed with Patrick Stewart in the electrical transmission team regarding their assets

Thanks

Jason Krall PE
PRINCIPAL PROJECT ENGINEER
d 303.537.8028
jkral@rickengineering.com

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From: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>
Sent: Wednesday, April 15, 2020 12:09 PM
To: Henley, Tom <tom.henley@xcelenergy.com>
Cc: Jason Krall <jkral@rickengineering.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

Hi Tom,

We don't have any gas line in the sections they have shown in the drawings, but I believe

electric does. Do you know who on the electric can review this?

Thanks,
Derek R. Loveland
P: 303.571.3926

From: Jason Krall <jkral@rickengineering.com>
Sent: Wednesday, April 15, 2020 11:59 AM
To: Sinks, Timothy J <Timothy.J.Sinks@xcelenergy.com>
Cc: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 2 of 3)

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Additional plan sheets

Jason Krall PE
PRINCIPAL PROJECT ENGINEER
d 303.537.8028
jkral@rickengineering.com

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From: Jason Krall
Sent: Wednesday, April 15, 2020 11:58 AM
To: 'Sinks, Timothy J' <Timothy.J.Sinks@xcelenergy.com>
Cc: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>
Subject: RE: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd - (email 1 of 3)

Hi Tim

The drawings are too large to email in a single email, so I sill send follow up emails.

Regarding items 6/7/8 below; While a contractor is not on board yet, it is expected that the construction access will be via the two site entrances (one of Lagae Road and the other off Castle Pines Parkway). Construction equipment is also unknown, but is likely to include typical earthmoving equipment including scrapers, loaders, bulldozers and graders.

Regarding items 10/11/12/13 below: this stage of the project is for the subdividing of the property

and construction of pad sites and trunk infrastructure (water, sewer, storm, entry roads) only; individual site improvement plans (SIPs) will be completed with the end users of the pad sites at a later time. It is noted that the proposed gas line is located within the existing transmission line easement, which is covered by Tract A and will not be developed beyond the access road and detention pond as depicted in the submitted documents.

Regarding item 15 below: We anticipate construction to begin around mid-June

Thanks you, and please feel free to contact me with any further questions

Jason Krall PE

PRINCIPAL PROJECT ENGINEER

d 303.537.8028

jkral@rickengineering.com

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From: Sinks, Timothy J <Timothy.J.Sinks@xcelenergy.com>

Sent: Friday, April 10, 2020 10:34 AM

To: Jason Krall <jkral@rickengineering.com>

Cc: Loveland, Derek R <Derek.R.Loveland@xcelenergy.com>

Subject: Encroachment Request #380 - Castle Pines Pkwy and Lagae Rd

Hello,

Thank you for submitting your encroachment request online.

In order for the review process to begin, the following information needs to be included in engineered drawings PDF:

1. The location of the proposed encroachment on the right-of-way and/or easement
2. The edges of the right-of-way or easement
3. The nearest poles, towers, or other PSCo facilities
4. Tied into a section corner (bearing and distance)
5. Where appropriate, roads, streets, streams, creeks, etc.
6. Construction access routes
7. Heaviest tracked and wheeled equipment (Make and Model) if crossing over the pipeline
8. Location of heavy equipment crossing above PSCo gas transmission lines
9. Grading plans (Including temporary cut/fill and permanent grading)
10. Landscaping plans
11. Underground structure dimensions
12. Aboveground structure dimensions
13. Distances from the proposed structures to both the pipeline and ROW
14. Depth of pipeline with SUE Level A quality locates

15. Anticipated construction start date

The review process will begin only after all applicable items above have been submitted in a PDF.

If there are omissions of applicable items listed above in the engineered drawings, you will be asked to re-submit with the needed information.

The high pressure gas engineer that has been assigned to your request is Derek Loveland, contact info below.

Derek Loveland

Office: 303-571-3926

Email: Derek.R.Loveland@xcelenergy.com

If there are questions or comments by the engineering staff, Xcel will reach out to you. If there is no issue, a license agreement will be provided.

Please reply back with the engineering drawings PDF to this e-mail. Note, the size limit per e-mail is 10mb, so please partition the drawings into several e-mails if the original file size is above 10mb.

Thank you!