

RIDGWAY PLANNING COMMISSION

SPECIAL MEETING AGENDA

Tuesday, April 4, 2023

5:30 pm

Pursuant to the Town's Electronic Participation Policy, the meeting will be conducted both in person and via a virtual meeting portal. Members of the public may attend in person at the Community Center, located at 201 N. Railroad Street, Ridgway, Colorado 81432, or virtually using the meeting information below.

Join Zoom Meeting

<https://us02web.zoom.us/j/82680707183?pwd=K1V1M2JRY1JCdlplbk9MU1lvZ0w2dz09>

Meeting ID: 826 8070 7183

Passcode: 519925

To call in dial: 408.638.0968 or 253.215.8782 or 669.900.6833

Written comments can be submitted before the meeting to kchristian@town.ridgway.co.us or delivered to Town Hall Attn: Planning Commission

ROLL CALL: Chairperson: Michelle Montague, Commissioners: John Clark, Pam Foyster, Bill Liske, Russ Meyer, Jennifer Nelson, and Jack Petruccelli

PUBLIC HEARING:

1. **Application:** Sketch Plan; **Location:** McChesney Minor Subdivision, Lot 2; **Zone:** Residential (R) and Future Development (FD); **Applicant:** Chris Hawkins dba Alpine Planning, LLC; **Owner:** Four Winds Ranch, LLLP & Estate of Bernadine C. Endicott

ADJOURNMENT

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *Community Planning Strategies, Contracted Town Planner*
Date: March 31, 2023
Subject: Four Winds Sketch Plan for April 4th PC Meeting

APPLICATION INFORMATION

Request: Approval of a Sketch Plan to create 20 single family residential lots. ("Application")

Legal: Lot 2 of McChesney Subdivision, Town of Ridgway and SE 1/4 of SE 1/4 of Section 9 and the NE 1/4 of the NE 1/4 of Section 16 all in T45N, R8W of the N.M.P.M. except that portion being described as Lots 25 - 48 and the common ground of Vista Terrace Subdivision, Filing No. 1, Town of Ridgway ("Property")

Address: N/A

General Location: Generally located north of and east of Terrace Drive, east of Highway 550.

Parcel #: 430509400146

Zone District: Residential (R) District and Future Development (FD)

Current Use Vacant and one single-family residential unit

Applicant Chris Hawkins, Alpine Planning ("Applicant")

Owner Four Winds Ranch 1, LLLP and Bernadine C. Endicott ("Owner" or "Owners")

PROJECT REVIEW

BACKGROUND

This application for a Sketch Plan was submitted on April 25, 2022. A completeness review was conducted, and the Application was accepted as complete on May 7, 2022.

The Application includes Lot 2 McChesney Subdivision (33.09 acre) ("Lot 2") and approximately 9.95 acres of the adjacent property located at 741 Terrace Drive ("Endicott Property"). Lot 2 is 33.09 acres and the Endicott Property is 9.95 acres for a total area of 43.04 acres and is split by the Terrace Drive right-of-way access to Highway 550.

Currently, Lot 2 is zoned Residential, and the Endicott Property is zoned Future Development. The Applicant will need to request a rezoning of the Endicott Property pursuant to RMC §7-3-22 and RMC §7-3-23.

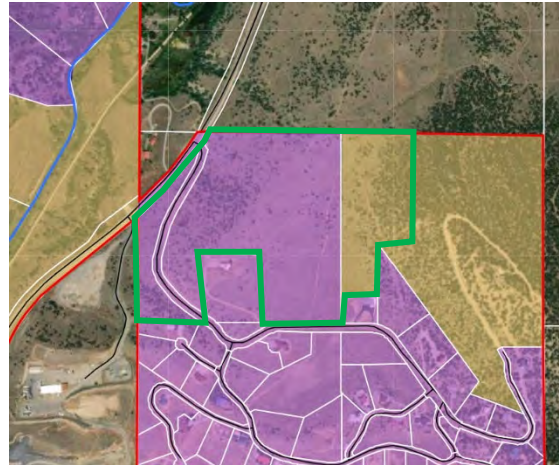


Figure 1. Zoning Map

JANUARY 2023 UPDATE:

This Application was originally considered by the Planning Commission on August 30, 2022. At that meeting the Applicant requested a continuance to allow time for the Development Team and Staff to further address concerns raised by the Planning Commission. The concerns listed below were summarized to the Applicant in an Action Letter dated September 6, 2023:

1. Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.
2. Lack of secondary access to Vista Terrace Subdivision.
3. Proposed density and number of accessory dwelling units.
4. Visual impact of development along the ridgeline.
5. Preference to connect to sanitary sewer services to serve this project rather than OWTS.
6. The project is located outside of the Initial Growth Boundary (IGB) as identified in the 2019 Master Plan.
7. CPW's concerns with the impact the development could have on wildlife habitat.
8. Concerns brought up in the Four Winds Sketch Plan, 2nd Review Comments letter.
9. Other topics and discussions that were brought up and identified in the hearing.

Since the August meeting, Staff and the Development Team have been coordinating updates and responses to these and other comments raised about the project. The Application was again continued by the Planning Commission at their January 10, 2023, meeting.

Much of the information in this staff report has not changed since it was originally drafted in August of 2022. Any updates are noted by a gray text box with the header "**JANUARY 2023 UPDATE**".

MARCH 2023 UPDATE:

Since the January 31st Planning Commission hearing, the Development Team and Staff have met multiple times to continue working through the concerns raised and additional information requested which resulted in the continuation of the Planning Commission's decision.

In order to preserve the previous discussions and commentary on this application review process, all previous staff report content has been retained with all updated information and analysis being provided in the green text boxes with the header "**MARCH 2023 UPDATE**"

REQUEST

The Applicant wishes to further subdivide Lot 2 and a portion of the Endicott Property into 20 single-family home lots, open space, and right-of-way.

The Applicant has submitted a hearing application, associated fees, sketch plan materials, and other required support materials for this public hearing to the Town, collectively referred to as the "Application Materials". The Property and hearing have been noticed and posted by the Town in accordance with RMC §7-3-23(D).

CODE REQUIREMENTS

The purpose of a sketch plan is to understand how a proposed development may impact the community in areas such as utilities, streets, traffic, land use, master plan conformity, zoning regulation conformity, etc. The following are various Town documents, plans, studies, standards, and/or regulations which have been reviewed while evaluating the requested Sketch Plan:

- 2019 Town of Ridgway Master Plan
- §7-4-5(A) Informal Review and Sketch Plan
- §7-3-5 "R" Low Density Residential District
- §7-3-8 "FD" Future Development District
- §7-3-15(A) Dimensional Requirements
- §6-6 Residential Design Standards
- §7-4-6 Required Improvements
- §7-4-7 Design Standards
- Ch. 9 Water and Sewer

MARCH 2023 UPDATE:

As a reminder, Sec. 7-4-5(A)(f) of the Ridgway Municipal Code outlines the approval provisions of the Sketch Plan.

7-4-5(A) INFORMAL REVIEW AND SKETCH PLAN

(f) The Planning Commission shall approve, conditionally approve, or disapprove the sketch plan after the plan has been submitted in full compliance with all submittal requirements to the Commission. If the sketch plan is disapproved, the reason for disapproval shall be included in the minutes of the Planning Commission's proceedings and provided to the subdivider in writing upon request. The sketch plan shall be disapproved if it or the proposed improvements and required submittals are inadequate or do not comply with the requirements of these Regulations.



ANALYSIS

MASTER PLAN GOALS

This parcel is identified as *Rural Neighborhoods* on the Future Land Use Map of the 2019 Master Plan. This anticipates the following land uses and development patterns:

Maximum Density / Height	0.1 – 1 du/ac; 2.5 stories
Primary Uses:	Single-family homes.
Supporting Uses	Agricultural and ranching uses, parks and recreational facilities, open space conservation
Characteristics	<ul style="list-style-type: none"> Rural Neighborhoods are intended to preserve the rural character of areas within the UGB but outside of the town core, or to mitigate the impacts of development in hazardous or environmentally-sensitive areas such as on steep slopes. Where existing, agricultural and ranching uses are encouraged to continue for as long as the property owner desires. Undeveloped areas may convert to parks or open space if acquired by the Town or land trust, or if protected through a conservation easement. Clustering of residential development is encouraged to preserve open land.

The Application should be in general conformance with the goals and policies identified within the 2019 Master Plan and the Future Land Use Map. Figure 2 depicts the Future Land Use classification of the Property and surrounding area. The Master Plan provides important insight into the community's vision. Though these goals are not firm requirements, it is important that the Applicant showcase the various ways their Application meets these goals.

The Goals and Policies identified in the 2019 Master Plan that were considered when evaluating the Project's conformance with the plan included:

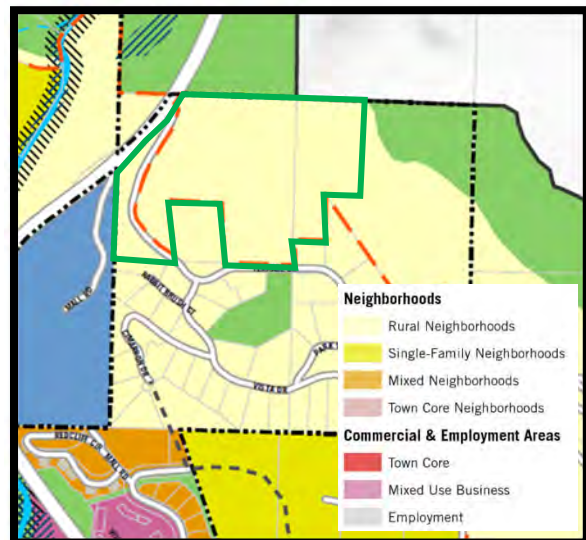


Figure 2. Future Land Use Map

- 1) Policy ENV-1.1: Environmentally Sensitive Areas - Limit new development in environmentally sensitive or constrained areas, such as steep slopes, the river floodway and floodplain, riparian areas, wetlands, and other areas that contribute to the ecological health and diversity of the valley.

- 2) Policy ENV-1.2: Wildlife Habitat - Use clustering, open space corridors, conservation easements, and other techniques to minimize development impacts in wildlife movement corridors and areas with critical or important wildlife habitat.
- 3) Policy ENV-3.4: Low-Impact Development - Design street layouts, grades, and site developments to avoid excessive runoff concentrations and minimize the need for storm sewer infrastructure. On-site natural percolation, detention, or retention should incorporate vegetation, vegetated swales, and other low-impact development strategies where possible to minimize the need for off-site infrastructure improvements.
- 4) Policy ENV-4.2: Renewable Energy - Encourage the use of carbon-free and renewable energy systems within the Town and support the goal of carbon neutrality for Colorado. Support the inspiration and innovation of those who live, work, and visit Ridgway to create a low-carbon economy and lifestyle that improves the health, shared prosperity, and long-term security of our unique mountain community.
- 5) Policy ENV-3.6: Water Conservation - Actively manage the Town's water resources to conserve water, especially in times of limited availability.
- 6) Policy COM-2.2: Support the development of a range of housing options in Ridgway, including but not limited to townhomes.
- 7) Policy CHR-1.1: Encourage the development of neighborhoods that enhance and reflect the character of Ridgway through quality design.
- 8) Policy CHR-1.2: Enhance walkability and bikeability within existing neighborhoods and between other areas of town.
- 9) Policy CHR 6.1: Corridor and Gateway Character - Highway corridors and gateways to Ridgway should enhance and benefit the community's small-town character and preserve mountain vistas.
- 10) Policy CHR-7.2: Trail Development - Encourage and support trail development within and surrounding Ridgway, particularly trails that fill gaps or key trail linkages in the Town's current system and improve continuity and connectivity. Where feasible, create trails that support walking, hiking, biking, and other non-motorized uses. Trail development should not impede existing agricultural uses and do not cross private property unless arrangements have been made with the property owner.
- 11) Policy GRO-1.5: Design of New Development - Ensure new development and infill/redevelopment is compatible with the surrounding area or neighborhood, particularly in the Historic Town Core where maintaining the historic character of Ridgway is desired.
- 12) Policy GRO-1.6: Encourage clustering of residential development where appropriate to preserve open space, agricultural land, wildlife habitat, visual quality, and other amenities.
- 13) Policy GRO-2.1: Growth Pays for Growth - Ensure that the costs of extending or expanding Town infrastructure and services to support new development are borne by the developer and not the Town or residents. This includes the impacts new development will have on Town facilities and utilities.
- 14) Policy GRO 3.2: On-Site Stormwater Management - Encourage new development to manage stormwater on-site, using low-impact development techniques or other best practices.

The review of these policies did find some inconsistencies between the policies and the Application. Those are:



1. The Property is located within a winter elk concentration area. As such, a recommended condition is that the Applicant coordinate with Colorado Parks and Wildlife (CPW) to ensure the development impacts are mitigated. (See Figure 3)

JANUARY 2023 UPDATE:

Colorado Parks and Wildlife (CPW): The Application was forwarded to Kelly Crane, with CPW, for review and comment on the potential impact(s) the development may have on the wildlife habitat in the area. The applicant received comments on July 14, 2022 suggesting a variety of measures the Owners could take to minimize impacts on the wildlife in and around the Property. Those recommendations are:

- Limit lot development to 10,000sf disturbance areas. *Addressed with #1 on page 3 of the project narrative.*
- Preserve the sagebrush habitat on lots outside of the disturbance envelope. *Addressed with #1 on page 3 of the project narrative.*
- Prohibition of perimeter fencing. *Addressed with #1 on page 3 of the project narrative. This note should have its own listed number to ensure it is clearly stated and understood with the Preliminary Plat.*
- Contain dogs within fenced yard and/or dog run. *Addressed with #3 on page 3 of the project narrative.*
- Require dogs to be on leashes while walking in subdivision. *Addressed with #3 on page 3 of the project narrative.*
- Require bear proof trash cans. *Addressed with #8 on page 3 of the project narrative.*

Conservation Easement: To further mitigate the impact that this Application may have on wildlife, the Owner offered to place other land under the same ownership in the Ouray County into a conservation easement ensure adequate wildlife habitat is retained. For tax purposes, the Owner does not want to disclose where such areas are nor how much area they are nor the value of the land as wildlife habitat. However, to be considered a benefit offsetting the loss of sensitive wildlife habitat, the Owner must assure the Town, via written agreement or other acceptable means, that the conservation easement will come to fruition and provide the intended benefit and mitigation.

The Application impacts environmentally sensitive areas and prime wildlife habitats. Staff are supportive, and in fact appreciative, of the concept that the Owner will mitigate any impacted habitat area with a conservation easement, however, the two cannot be decoupled. If the conservation easement is being offered as mitigation for the impact the Application will have, such mitigation must be disclosed and evaluated in connection with the request for which it is mitigating.

Therefore, Staff would like to have additional time to understand and review the proposed mitigation prior to the Sketch Plan being approved. Since the Applicant and Owner have not disclosed the location, the size, or the proposed conservation easement, Staff cannot provide an appropriate level of review or evaluation to provide an analysis or recommendation to Planning Commission on this item at this time.



MARCH 2023 UPDATE:

Conservation Easement: Pursuant to further discussions with the Applicant related to the previously proposed conservation easement, the Owner is not officially offering a conservation easement to mitigate the impact the Application will have on wildlife. Since this is not, nor has it been, a Town requirement for this Application, Staff is amenable to this amendment in the request. The remaining strategies, standards, and restrictions presented in the application appear to adequately mitigate the impacts on the wildlife identified in the Master Plan and CPW comments.

Concluding Analysis: Adequate information has been submitted and reviewed and Staff finds that the intent of the Master Plan has been adequately met by the Application with the addition of staff recommended conditions.

2. The Property also falls within an area identified as having steep slopes over 20% in the Master Plan; however, the steep slopes were not overlaid on the submitted Sketch Plan materials. Therefore, steep slopes will have to be overlaid on the proposed subdivision layout and disturbance areas and submitted with the Preliminary Plat to understand the relationship between the location of steep slopes and the proposed development. (see Figure 4)



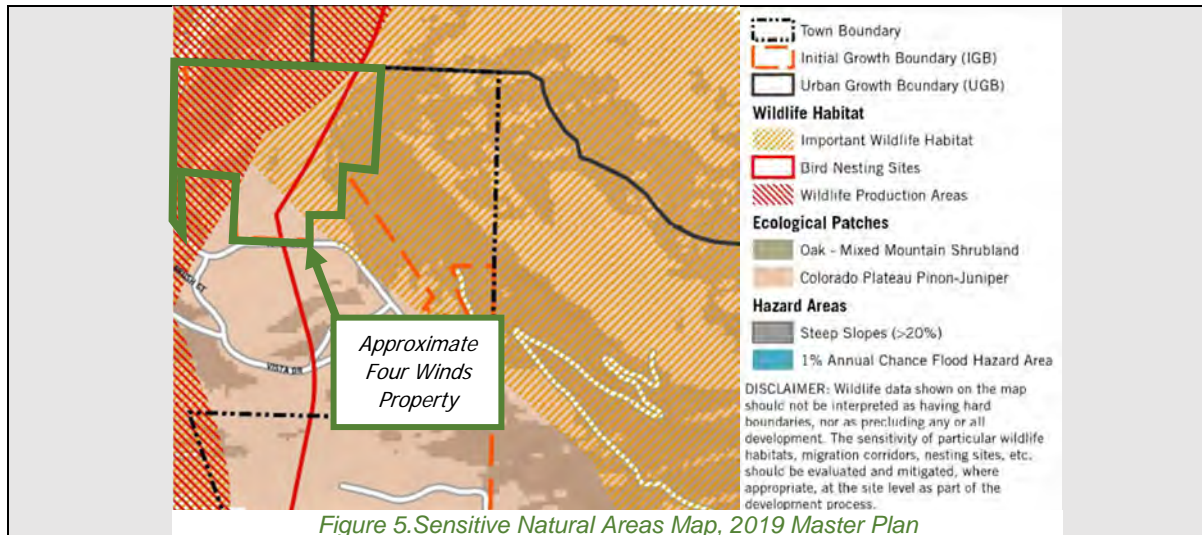
Figure 3. Elk Concentration Area



Figure 4. Steep Slopes

JANUARY 2023 UPDATE:

The Applicant has suggested in the response letter that steep slopes are generally 30% or greater. While this is the generally accepted slope, the 2019 Master Plan specifically identifies slopes of 20% or greater as "environmentally sensitive areas" and Policy ENV-1.1: Environmentally Sensitive Areas states "Limit new development in environmentally sensitive or constrained areas...". The Application impacts environmentally sensitive areas as indicated in the 2019 Master Plan. Below is a snip of the Sensitive Natural Areas map which identifies the Property as being impacted by these environmentally sensitive areas.



Since the proposed lot lines are not depicted on this map nor are these areas overlaid with the proposed subdivision, Staff is unable to fully understand the impact the Application will have on environmentally sensitive areas and would request that the Applicant provide the Town with a map identifying the environmentally sensitive areas identified in the 2019 Master Plan overlaid on the proposed subdivision layout for review.

Initial Growth Boundary (IGB): At the August 30th meeting, the Planning Commission brought up concerns about the Property being located outside of the Initial Growth Boundary (IGB) and requested the Applicant and Staff further evaluate the meaning of this location.

It is Staff's understanding that the IGB identifies areas where utilities and adequate infrastructure are available to support development within the Town. While development is encouraged to occur within the Urban Growth Boundary, Staff recognizes that the Property is annexed to the town, zoned within the Town limits, and therefore, the provisions of the zoning and subdivision regulations do apply to the Property.

The provisions of adequate public services and infrastructure also apply and may be a limiting factor in determining an appropriate level of development in certain areas of the Town. While simply being outside of the IGB is not a reasonable cause for denial of a the Application, it is a consideration when evaluating the provision of public services and the cost to the Town or future property owners as well as the hazard or risk that development in that area may cause. For these reasons, it is within the Town's ability to limit development to ensure the public health, safety and welfare of current and future residents. Therefore, such limitations are not believed to prevent the Owners from reasonable use of the Property.

The Applicant continues to state that there are "no specific and objective Master Plan goals" based on the IGB. While we do agree with this observation, the IGB is simply another consideration and identifies areas that may be more difficult to provide necessary public services and, therefore, decision makers should apply greater scrutiny to the impacts development in such areas may have.

MARCH 2023 UPDATE:

Steep Slopes: Staff requested an overlay of the development plan with steep slopes be provided. Through the latest round of review, the two maps provided (Sketch Plan and steep slopes) were overlaid and included in the staff report below to be able to understand the relationship between

steep slopes and the proposed development. The green areas are slopes between 20%-30% and the orange areas are greater than 30%. Based on this overlay, Staff believes that the Applicant is attempting to meet the intent of the steep slope mitigation, as the development, to the best of its ability, avoids steep slopes. Additional information and engineering will need to be provided by the Applicant during future phases of this project.



Concluding Analysis: The goals and policies of the Master Plan appear to be adequately met by the Application Materials with the staff recommended conditions.

LAND USES

Lot 2 and the portion of the Endicott Property included in this request are currently vacant. The remainder of the Endicott Property, east of the Property, has one single-family residential unit on it.

The Sketch Plan proposes to subdivide Lot 2 and a portion of the Endicott Property into 20 single-family home lots, open space, and right-of-way. The gross density of the Application is 0.46 dwelling units per acre with an average single-family lot size of 1.17 acres. Lot sizes range from the largest being 2.97 acres and the smallest being 0.99 acres. The Application includes 12.74 acres of open space along the western portion of Lot 2. These are all land uses allowed within the R Residential District.

JANUARY 2023 UPDATE:

Accessory Dwelling Units (ADU): While ADUs are encouraged to increase housing affordability and availability in Ridgway, the Applicant, due to the impacts that additional density would cause to other infrastructure and development standards, has decided to prohibit ADUs and limit the subdivision to 20 single-family homes.

To ensure this is clear for future homeowners in the Four Winds Subdivision and Staff, this shall be memorialized with a plat note prohibiting ADUs in Four Winds Subdivision. This note shall clearly state that the plat note supersedes any Town regulation pertaining to ADUs now or in the future

and that this limitation is deliberate to preserve the health, safety, and welfare of the current and future residents of Four Winds Subdivision and Vista Terrace Subdivision.

Open Space: The two open space tracts should be dedicated to the Town as Open Space or can kept in private ownership with a plat note restricting the development and further subdivision of the tract(s) in perpetuity. The Applicant and Owners should evaluate the option of putting that property in a conservation easement to preserve the environmentally sensitive areas.

Mountain Bike Trail: The trail is presented as a community and public benefit to allow a mountain biking experience on this hillside. While Staff understands and appreciates the desire of the Owner to provide such an amenity, Staff is concerned that the proposed single-track trail will encourage additional pedestrian and bike traffic at a known dangerous intersection/area of HWY 550. (See Comment #19 in applicants August 17th response letter.) The Applicant states that the Owner will contribute to an over/under pass; however, this amenity is not in any plan and may not be feasible (see TIS Section below for discussion on over/underpass).

Density of the Development: When evaluated by itself, and not accounting for the various other constraints on this Property in this location, it is clear the density of 0.46 dwelling units per acre is within the 2019 Master Plan classification of between 0.1 and 1 dwelling unit per acre. However, all constraints are stressed further through increased density. While the raw calculation is within the threshold, more analysis and justification will be necessary for Staff to fully support the proposed density and the impacts that density has on service, infrastructure, and public utilities in this location. While most of these elements could be further evaluated with the Preliminary Plat, the cumulative impact should be evaluated and understood with this Application before extensive time and money is spent on designing infrastructure.

MARCH 2023 UPDATE:

ADUs: On page 4 of the Revised Narrative dated March 13, the Applicant states that ADU's are being proposed provided they are supported by the Planning Commission. This is a proposal that has shifted a few times through the review process. The Applicant's position on the availability of ADU's in the Application has been inconsistent While ADU's are intended to support affordable housing needs of the community, the impacts on the transportation network, emergency access, water system, and sewer system will be greater with the additional ADUs. These impacts are generally known and understood by Staff, however, the Applicant shall update applicable Application Materials based on the finalized density proposed. Staff believes that the impacts of these additional ADU's can be adequately met with the proposed staff recommended conditions identified at the end of this staff report.

Disturbance Areas: In previous Application Materials, a maximum of 10,000sf building envelope was proposed. After further evaluation based on the required area for two leach fields, this area has increased to 15,000sf. If the recommended condition that the Property connect to the sanitary sewer system is included in a Planning Commission decision, it would be advisable to also include a condition that the building envelope be reduced to 10,000sf to minimize impacts on wildlife, and clarify the character and intent of the Application.

Mountain Bike Trail: Because of concerns about the unsafe crossing at Terrace Drive and HWY550, the Applicant has removed the proposed bike trail from the neighborhood to the intersection. Staff is amenable to this amendment because of the potential safety concerns.



Density of Development: The originally Application requesting 20 residential lots has not changed. With the proposed density, compounded with the re-insertion of ADUs, Staff recommends a year-round secondary emergency access for the Vista Terrace neighborhood as well as the need to pursue connection to the public sewer system be conditions of the Application moving forward. These are recommended conditions identified at the end of this staff report.

Concluding Analysis: Staff finds that the proposed land uses proposed within the Application Materials are met with the staff recommended conditions.

DIMENSIONAL STANDARDS

Section §7-3-15(A) sets forth the required dimensional standards which shall be met for various uses within each zone district. For the R Residential District, the following standards apply to all uses:

<i>Standard</i>	<i>Requirement</i>	<i>Provided</i>
Min. Lot Width	50'	Unknown*
Min. Lot Size	6,000sf	Min. lot size is 0.99ac.
Max. Lot Coverage*	50%	Max Disturbance Area of 10,000sf, roughly 23% max coverage (1ac lot size)
Min. Front Setback*	15'	20'
Min. Rear Setback*	8'	20'
Min. Side Setback*	5'	20'
Max. Side on Corner Lot*	7.5'	20'
Structure Height*	27'	N/A – height would be reviewed with individual building permits.

*While there appears to be ample area for the minimum lot width, the lot width was not provided within the Application Materials. Specifically, Lots 4, 7, 10, and 14 have reduced lot widths which must be confirmed on the Preliminary Plat.

The Application allows ample lot area to meet applicable dimensional standards which are unable to be verified at this time.

INTERNAL CIRCULATION NETWORK

The development is proposing one access point off of Terrace Drive in a “lollipop” design. RMC §7-4-5-(A) prohibits cul-de-sacs over 500 feet long and dead-end streets, respectively. Also, secondary access is required for emergency ingress and egress which is not provided in the current layout. As proposed the Application does not meet these road standards. Additional clarity and information will need to be provided in connection with the Preliminary Plat to ensure these life/safety standards are being adequately met with the proposed development. Further compounded by the reduced fire flows in this area, access will have to be reviewed and approved by the fire protection district before it can be approved by the Town. The Preliminary Plat will be referred to the Ridgway Fire Department for their review. Moreover, in April of 2005, Staff drafted a white paper on Lot 2 in an effort to offer a summary of what infrastructure and land use considerations would be necessary at such time Lot 2 develops. The white paper is provided for this staff report as Attachment I.



JANUARY 2023 UPDATE:

Road Layout: Based on the subdivision design, the interior road design is viewed as a cul-de-sac because there is only one point of ingress and egress. While an emergency access easement was added to provide a secondary point of egress, further analysis and evaluation of the proposed roadway design and layout will be necessary in conjunction with the Preliminary Plat and, if needed, the Applicant must request approval of variations, deviations, and/or waivers of applicable standards at that time. The Application Materials do not include adequate information for Staff to evaluate the proposed design against applicable standards at this time. Staff will complete these detailed reviews when engineering and construction documents are submitted in conjunction with the Preliminary Plat.

Construction Standards: Internal roads must be designed to meet the Town's street standards. The roads would be classified as a local road requiring a 60' ROW. The gravel lane width and design shall meet the minimum specifications and standards of the Street Design and Construction Standards and conform to the Town's typical gravel road cross section. The Application Material, sheet SP-6 in particular, should be updated to indicate the correct standards and specifications.

Street Grades: RMC Sec. 7-4-7(C)(13) limits the maximum grade of a local street to 7%. This standard shall be met by the proposed internal roadways and shall be demonstrated with the Preliminary Plat submittal materials. Specifically, a road grading plan will be developed in collaboration with Staff and the fire department to ensure compliance with applicable standards.

Sidewalks: The Applicant's response letter states that the road is intended to function as a sidewalk given the low number of vehicles anticipated on the internal road. While Staff is supportive of deviation from street standards to allow a gravel road in the subdivision, Staff requests that a safe and efficient pedestrian connection not be waived. Staff would like to evaluate alternative locations for off-street options for pedestrian connections through the neighborhood with the applicant.

Staff requests Planning Commission feedback on whether or not they agree with roads as sidewalks or if Staff, Applicant and Owner should evaluate options for making such connections.

Existing Easements: The existing easements in the SE corner of Lot 2 (Rec#188717 and B208 P002) are intended to be vacated. Written authorization from the Grantee's acknowledging that the vacation of the easement will not be detrimental and that there are no current utilities in the easements which will require continued use of the easement.

Easement on Lot 2 McChesney Minor Subdivision

A 80' wide Nonexclusive Road and Utility Right-of-Way Easement over Lot 2 McChesney Minor Subdivision located in the SW¼SE¼ Section 9, T45N, R8W, N.M.P.M., Town of Ridgway, Ouray County, Colorado, described as follows: Beginning at the southeast corner of said Lot 2 and said SW¼SE¼ Thence N 88°02'32"W 80 Ft. along the South line of said Lot 2 and said SW¼SE¼; Thence N 01°25'56"E 305.00 Ft.; Thence 209.59 Ft. along the Arc of a Tangent curve right, said curve having a radius of 260.00 Ft. and central angle of 46°11'09" to the east line of said Lot 2 and said SW¼SE¼; Thence S 01°25'56"W 493.35 Ft. to the Point of Beginning.

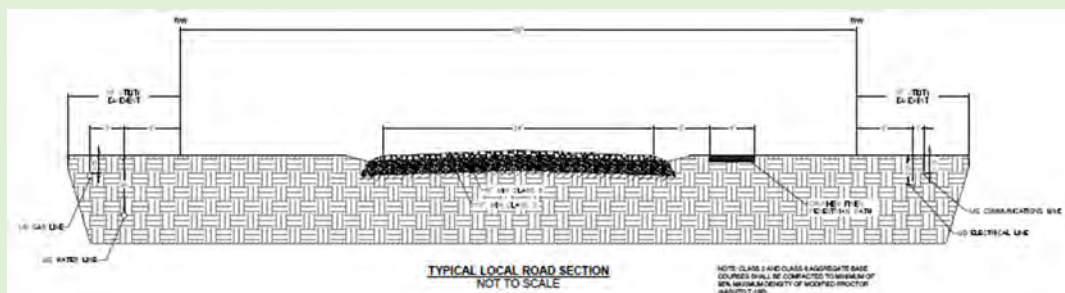
MARCH 2023 UPDATE:

Road Layout: The proposed layout of the development and road have been amended to address the “lollipop” design. The revised design is more of a “horseshoe” with two points of access on Terrace Drive. While further design and engineering will be needed during future stages of the approval process, staff is amenable to the proposed road layout pending further evaluation during the Preliminary Plat review process.



Construction Standards and Design: The Applicant continues to assert that the construction standards will be complied with for the road with the exception of those deviations already requested and evaluated in previous Staff review comment letters.

Sidewalks: The revised Application Materials submitted on March 13th identifies a 4' crusher fine pedestrian path as proposed adjacent to one side of the internal streets. This proposal meets the concerns identified about adequate and safe pedestrian connections throughout the development.



Concluding Analysis: While additional engineering and design work will be necessary, as well as additional town review and approvals, Staff finds that the changes made to the internal circulation in the revised Application materials have adequately addressed previous pedestrian connection related comments and concerns for a Sketch Plan application.

INTERSECTION WITH HWY 550

With respect to highway access, it's worth noting that development of Lot 2 will trigger the need for improvements to the intersection of Highway 550 and Terrace Drive. In order to bring the access into

compliance with State Access Regulations, it is likely that the intersection will need to include acceleration, deceleration, and center turn lanes of lengths appropriate to the highway traffic speed in that area. Additional coordination will be necessary between the Applicant, the Town, and CDOT.

JANUARY 2023 UPDATE:

Traffic Impact Statement (TIS) (January 18, 2023): Staff recommends that with the magnitude of the concerns raised regarding the intersection of Terrace Drive and HWY 550, the proposed solutions must be further refined and understood in conjunction with the Sketch Plan approval. The TIS was sent to CDOT for their review. Stolfus and Associates, CDOT's contracted review engineers, provided review comments on the TIS on 12/28/2022 (included in packet). The Applicant has updated the TIS and resubmitted to CDOT on 1/18/2023. Staff is awaiting updated review comments from Stolfus/CDOT. The outcome of this review will dictate what infrastructure is required for this proposed development.

While the Owner has committed to contribute to an over/under pass, this offer seems a bit unrealistic because the current master plan does not identify a highway crossing at this location. Furthermore, this project is not very likely to move forward or receive funding through the Region 5 Regional Transportation Plan without an extensive amount of planning and lobbying, if at all. It is currently not a project in the RTP's Transportation Improvement Program (TIP) or the Statewide Transportation Improvement Program (STIP). This is the first step to receiving state funding for transportation projects.

Secondary Emergency Access:

Four Winds Subdivision: The revised Application Materials show a 15' emergency access easement connecting the internal road to Terrace Drive through Lots 15 and 16.

Vista Terrace Subdivision: The Applicant has submitted a proposed alignment for a secondary emergency access for Vista Terrace Subdivision along with a draft emergency access easement with the property owner who, through their legal representation, agreed in concept to the alignment and easement. The proposed alignment is included in the Applicant Response Letter (Attachment B). Upon review of the alignment and the submitted draft easement document, Staff will need additional information pertaining to feasibility of the proposed alignment, and written confirmation and authorization that the property owner(s) agree to dedicate the access easement.

Staff still have concerns as to whether or not this emergency alignment would be passable year-round. If it currently is not, it is unknown how much design, engineering, and/or construction would be necessary to make this a viable emergency access which is passable year-round. Similarly, Staff does not want to allow a proposal that is not feasible to move forward, therefore, Staff would like to better understand the Owner's intentions for this alignment, the property owners' understanding of the easement, and the Owner's understanding of any anticipated or foreseeable improvements which may be necessary for this alignment to become passable year-round. This doesn't warrant a survey, but at least an analysis and assessment of the road and confirmation that the road will be maintained to be passable year-round by passenger vehicles without four-wheel drive or high clearance.



MARCH 2023 UPDATE:

HWY 550 Access: The Applicant has been working with CDOT and revising traffic impact statements. At this point, the Owner has agreed to make any improvements required by CDOT and CDOT has provided initial feedback on those improvements. The Applicant will have to continue working with CDOT and Staff to design those improvements and submit them for formal review in conjunction with the Preliminary Plat. Because of this required process, Staff is comfortable with the requirements of a Sketch Plan being adequately met with additional details and review commencing with the Preliminary Plat.

Secondary Emergency Access: In the Revised Narrative dated March 13th, the Applicant continues to propose a "summer only emergency only access easement". This is further described in the narrative on page 18 and Exhibit K. While the Application suggests that the subdivision has not changed in almost two decades and a secondary access point should not be necessary since it is similar to the original approval, it is Staff's position that the Vista Terrace, and subsequent subdivision requests, should move towards compliance with all RMC requirements, especially health and safety standards. Sec. 7-4-7(C)(2) of the RMC states "...any new subdivision street system must be connected by at least two separate routes to the state highway system." Therefore, it is Staff's recommendation that, at a minimum, a year-round emergency access easement be provided by this subdivision that is requesting to add 20 residential lots to a single access point. This provision is part of the staff recommendation at the end of this staff report.

Concluding Analysis: With the recommended conditions, Staff finds that the Application Materials meet the criteria for Sketch Plan. Further engineering and evaluation will be necessary through the review of the Preliminary Plat.

PARKING

The RMC requires single-family homes to provide a minimum of two off-street parking spaces. While there appears to be adequate space on each lot to provide such minimum standards, parking will be reviewed in conjunction with each individual building permit application.

UTILITIES

As proposed, the Application will be served by Town of Ridgway water system through an extension of the water line within the roadway right-of-way and individual On-Site Wastewater Treatment Systems (OWTS). These improvements are consistent with notes on the McChesney Minor Subdivision plat and the white paper drafted by the Town on April 26, 2005. However, they are not consistent with Town standards as currently written.

JANUARY 2023 UPDATE:

Utility Easements: The Applicant, in response to comment #23 in the Applicant Response Letter (Attachment B), suggests that utility easements along property lines are not necessary. Sec 7-4-7(D) requires a minimum of 20' utility easements centered on rear and side lot lines and 10' on either side of a street and outside of the right-of-way. These easements must be indicated on the Preliminary Plat submittal.

Stormwater Management and Drainage: A stormwater plan, grading plan, and drainage study will be submitted with the Preliminary Plat and may alter the layout, design, location, or function of the right-of-way, easements, lot lines, or stormwater management facilities.



Water Service: There is an existing water main line in Terrace Drive. The home on Lot 1 of McChesney Minor Subdivision is served by this water line. However, note 4 of the McChesney Minor Subdivision states:

Due to the added maintenance and operation cost associated with the water system to serve this subdivision, water rates may be higher than for other parts of the Town of Ridgway.

If required by the Town of Ridgway, the owners of Lots 1 and 2 will participate in a Special Improvement District for the purpose of expanding the water storage capacity which serves these lots as well as the adjacent properties.

The Town does not have adequate information at this time to determine the best means to serve the Property. However, Staff is in agreement that a significant amount of engineering and design is going to be required to address this need, therefore, this work can be completed if the Sketch Plan is approved. This item will have to be reviewed in detail in conjunction with the Preliminary Plat.

JANUARY 2023 UPDATE:

Water Tank Improvement: The Application does not include a proposal on how the water lines will connect to the existing water tank, the conceptual layout of a new water tank, nor how that site will function and if there is adequate legal access and authority to expand that tank. Because of the extensive improvements necessary to complete this vital public improvement, additional conceptual alignments and design on the feasibility of expanding the water tank will be needed for Staff to recommend that the project is able to proceed with construction documents and engineering plans as required with the Preliminary Plat.

Furthermore, the Applicant identifies an agreement that was entered into in 1981 pertaining to the water and sewer improvements for Vista Park Subdivision entitled "Vista Terrace Water and Sewer Agreement". This agreement apparently lays out requirements for design, installation, and inspection of public improvements throughout the Vista Park Subdivision. The Applicant has indicated that this agreement will be included in the Preliminary Plat submission materials, however, given the large amount of public improvements needed to serve the Property, Staff would once again like to understand what, if any, obligations remain unmet in that agreement before expanding the water and sewer infrastructure to ensure all impacts and results are known.

MARCH 2023 UPDATE:

Water System: The revised Application Materials included additional narrative and horizontal layout of the proposed water system expansion necessary to serve the Property. As it relates to a Sketch Plan, Staff finds that an appropriate and adequate amount of information has been provided to conclude that the water system is feasible. Additional design, calculations, and review will be needed following approval of the Application to understand additional details. However, based on the information provided, staff finds that there is adequate information provided to meet the criteria of the Sketch Plan.

Concluding Analysis: Staff believes the Application meets the water system criteria for Sketch Plan at this time. Further engineering and evaluation of the design will be necessary through the review of the Preliminary Plat.



Sewer Service: The Application proposes that each lot within the subdivision will provide its own OWTS. RMC §7-4-6-(A)(2) requires sanitary sewer systems to be connected to the Town's system. Additional infrastructure improvements have been made and planned for since the original plat notes were added. Therefore, the option of connecting this proposed subdivision to the Town's sanitary sewer collection system should be further explored.

JANUARY 2023 UPDATE:

Since the last review, a new note was added to Sheet SP-5 of the Sketch Plan requiring participation in General Improvement District (GID) or Special District (SD) for sewer services if the Town creates one.

Since it is the Town's standard policy to require connection to public sanitary sewer system, the Planning Commission requested additional analysis be completed by the Applicant and Owner to determine feasibility of connecting. The Applicant and Owner evaluated the cost to extend sewer mains north through HWY 550 and up Terrace Drive. This analysis is included as an attachment to the Applicant's Response Letter (Attachment B).

Another potential alignment has been identified by extending the existing sewer lines from Mall Road up the hillside and running within the 10' utility easements that straddle each lot in Vista Terrace (see image to the right). The Applicant implied that there were regulations in place that would prohibit the ability to utilize these platted easements for the extension of sewer lines. Documentation to this effect has not been provided to Staff as of the drafting of the staff report. Upon evaluation of the plat notes for Vista Terrace Sub. Filing No. One, there aren't notes that further limit the specific use of the platted utility easements.

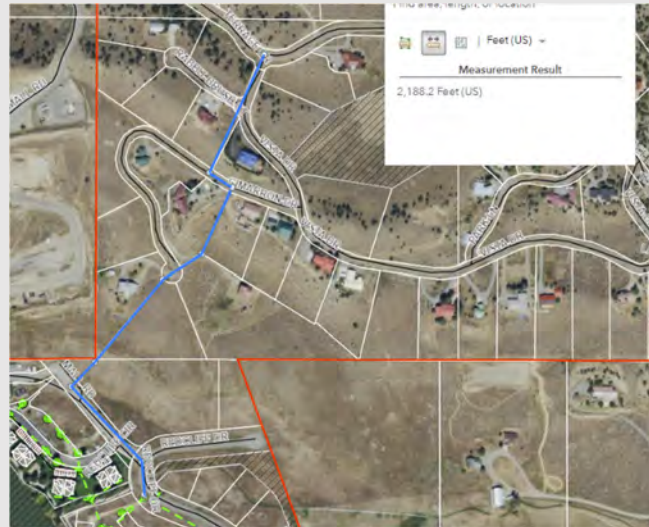


Figure 6. Alternative Sanitary Sewer Alignment

Additional evaluation to better understand this alignment should be provided. Again, the concern here is that if connecting this project to sanitary sewer is in fact financially infeasible, the costs of all alternatives need to be fully understood prior to the Town fully supporting a waiver of public health, safety, and welfare standards.

It the event the properties within Four Winds Subdivision are unable to connect to public sewer prior to development, the following shall apply:

- Ouray County OWTS standards shall apply to any OWTS proposed within Four Winds Subdivision.
- At such time sanitary sewer are available, all OWTS shall be properly abandoned, and all dwelling units shall be connected to the public sewer system.

- The Preliminary Plat application materials shall include a conceptual design of the future sewer main lines through the Property to ensure adequate separation distances and design requirements can be met.

MARCH 2023 UPDATE:

Sewer System: Staff has reviewed the proposed cost estimates for both alignments (HWY 550 and through Vista Terrace to Mall Road). Based on the cost estimates provided by the Applicant in the Revised Narrative, these improvements do not appear to be “infeasible” given the benefit such an improvement would be for the Vista Terrace Subdivision and surrounding areas. Therefore, Staff has recommended a condition be added to an approval of the Application requiring that the project pursue connection to the Town’s sanitary sewer system. At this time, Staff does not have a preferred alignment for the sewer line. The alternatives will be further explored in cooperation between the Owner, Applicant and the Town.

In the event this Sketch Plan is approved, Town staff acknowledges there are many additional things to consider in the next step of development, such as up sizing pipes, whether or not to establish a GID, installation of a lift station, connection costs/fees, as well as a public education and informational program. Therefore, Staff will be working closely with the Applicant and Owner to assist in evaluating and moving forward with these considerations as the project proceeds to the next stages.

Concluding Analysis: With the addition of the recommended conditions, Staff finds the Application meets the sewer system criteria for Sketch Plan. Further engineering and evaluation of the design, alignment, cost estimates, funding options, and implementation and connection requirements will be necessary through the review of the Preliminary Plat.

JANUARY 2023 UPDATE:

The following comments and findings are the result of further review of Application Materials submitted since August.

General Review Findings: Based on the various reviews, the following are general comments and findings which should be adequately addressed prior to the Application being approved to remove any ambiguity or confusion on what version of documents was approved.

1. Update revised date of Four Winds Sketch Plan narrative. Currently dated July 27, 2022, but last known update is August 23, 2022.
2. Given the scope and magnitude of the amendments to the Application Materials since August 2022, an updated Four Winds Subdivision Sketch Plan Narrative is requested to ensure that there are no contradictions or conflicts between iterations which will only cause confusion and delay at future stages of this project.
3. There are numerous references to Sketch Plan sheets (Revision date 8/15/2022) in the latest version of the narrative (submitted 8/23/2022) which are not correct. All references to Sketch Plan sheets (SP-X) must be updated to reflect the correct sheet references.

Visual Impact: The Planning Commission requested the Applicant provide further analysis of the visual impact of the Application as proposed.



The Applicant used a 35' tall pole and took pictures from various locations to assess visual impact. The resulting analysis concluded that Lots 7, 8, 9, and 10 do not break the ridgeline and that Lots 4-7 will have design guidelines to minimize impact of ridgeline development. While Staff supports and appreciates the willingness of the Applicant to create design guidelines for at least a portion of the lots, the means of administering and enforcing those regulations will need to be clarified by the Application Materials prior to approval and memorialized with the submittal of the Preliminary Plat.

The updated Application Materials do include the results of the visual impact analysis, however, the photos provided in the updated Application Materials (Attachment A & H) don't include a site plan indicating where the pole is and where the photos are taken from. A few of the photos indicate the homes will be very visible from the point of the photos, but those locations are not noted. Because of this, Staff has not been able to find the visual impacts brought up by the Planning Commission have been adequately addressed at this time and request additional time to continue working with the Applicant to address this concern.

Estimated Infrastructure Costs: The Project Information Table on page 10 of the Project Narrative identifies infrastructure costs at \$840,000. Because of the many recent conversations related to costs of required improvements and the Owner's concerns about the financial feasibility of the project, this cost should be adjusted to include all improvements necessary for the project (i.e., water line/tank extension, emergency access easement, sanitary sewer extension, HWY 550 improvements, and any other on- or off-site improvements either proposed, or required). An itemized list of these improvements will be needed and, if able, the Owner's proposed contribution to improvements which may not be fully borne by the Owner. Other sources of funding should also be provided.

Water Conservation: The Applicant has stated that the project will implement water conservation measures. The proposed water conservation measures shall be submitted with the Preliminary Plat application materials. These provisions must consider the water supply constraints of developing in this location.

Subdivision design standards: The Owner intends to develop design standards pertaining to the development of the Property. These standards are intended to be administered by the HOA. Based on the review of these standards on page 3 of the project narrative, the following changes must be made to be consistent with updated submissions and representations by the Applicant and Owner:

- Amend #7 to prohibit ADUs
- Amend #9 to require design standards for Lots 4-7 to preserve ridgeline view corridors. Add a new provision that the HOA or other acceptable entity will ensure the prohibition of short-term rentals in the Four Winds Subdivision. This shall also be a note added to the Preliminary and Final Plats.

Subsequent Processes:

- Preliminary Plat
 - The full Endicott property (9.95ac proposed as part of Four Winds and 36.47ac remaining property) must be included in the preliminary plat and final plat boundaries.

- Rezoning
 - The Endicott Property is currently zoned FD Future Development and in order to receive an approved Preliminary Plat, the rezoning of that property must be approved.
- Construction of Public Improvement
 - This includes on- and off-site improvements as required by the RMC and the review findings and conditions of the Application and Application Materials.
- Final Plat (Recording of Plat)
- Building Permits

MARCH 2023 UPDATE:

Visual Impacts: A map indicating the location of the story pole and the photos was provided along with a description of the findings and analysis. This can be found on Page 12 (Community Character Policies) of the Revised Narrative. As presented in the Revised Narrative, the Applicant will create design guidelines in conjunction with the Preliminary Plat for Lots 4-7 to minimize visual impacts. These guidelines will be reviewed in concert with the Preliminary Plat application materials. Therefore, staff finds that visual impacts appear to be adequately addressed for this stage of the project.

Infrastructure Costs: The Revised Narrative includes cost estimates for two alignments of a possible sewer line. Both of these are discussed on pages 15 and 16 of the Revised Narrative and a breakdown of costs is provided in Exhibit L of the same document. The cost estimate for both alignments range between \$1.3M and \$1.7M. Dividing this by the proposed 20 lots, the per-lot-cost is \$65,000 to \$85,000. When compared to an estimated cost of \$35,000 for an OWTS, and the additional benefits and users who may be able to tap into the new sewer line to both offset the costs and provide more efficient sewer services, Staff believes that extending the sewer line to serve the Property is not infeasible anymore and should be pursued for this project. Therefore, a recommended condition was added to the staff recommendation to this effect.

Housing Mitigation: The Owner has offered a \$500,000 donation to the Town for affordable housing programs.

Subsequent Processes and Approvals: Upon further review and evaluation, the Property is not required to obtain rezoning approval for the Endicott Property prior to approval of a Preliminary Plat. Staff would be open to working with the Applicant to find a mutually beneficial and agreed upon review process moving forward.

Concluding Analysis: Previous comments regarding items that will need to be addressed with subsequent submissions of the Preliminary and Final Plats are still applicable. However, with the staff recommended conditions, Staff finds that the applicable criteria for the sketch plan have been adequately met by the Applicant and Application Materials.

STAFF REVIEW COMMENTS

JANUARY 2023 UPDATE:

Review findings, comments, and recommendations have been included in all the various topics through the staff report and culminate with the recommendation in the January 2023 Staff Recommendation.



MARCH 2023 UPDATE:

Staff has reviewed multiple iterations of the Application Materials and have provided multiple rounds of comments for the Applicant and Owner's. The latest submission received was on March 13, 2023. Staff has reviewed that submission packet in order to compile this staff report. Any approval of the Application will, by virtue of findings, considerations, and Staff recommendations being incorporated into this staff report, need to be carried through and further addressed, amended, or evaluated with subsequent stages of approval of this project. Nothing in this staff report or approval of the Application shall be construed as approval of deviations, variances, or other development considerations since any variation or deviation from applicable code standards shall be requested, justified, evaluated, and considered through the appropriate approval process in the future.

Based on the Revised Narrative dated March 13, 2023, the updated Sketch Plan submitted on March 13, 2023, and the assertions made by the Applicant and Owner which are described in this staff report, Staff finds that all necessary and pertinent information has been submitted by the Applicant and that the Application Materials, with the Staff recommended conditions, meet the standards of approval of a Sketch Plan.

PUBLIC COMMENTS

The Property has been posted and proper notification has been completed by the Town in accordance with RMC §7-4-13.

As of the drafting of this staff report, the Town has received six (6) written public comments prior to the April 4th hearing. The written comments received are attached to this staff report in Attachment G.

Prior to the April 4, 2023 Planning Commission Meeting:

- 1) Dan Brillon dated March 28, 2023
- 2) Steve McComb dated March 28, 2023
- 3) Joan Chismire dated March 29, 2023
- 4) Anthony Gegauff dated March 29, 2023
- 5) Clint Estes dated March 31, 2023
- 6) Audra Duke dated March 31, 2023

Additional written comments received throughout the review of the project, and are listed below. These comments have not been included as a part of this staff report, but can be provided if requested by a Planning Commissioner:

Prior to the May 31, 2022 Planning Commission Meeting:

- 1) Kathy & Charles Ewert dated May 20, 2022
- 2) Kevin Chismire dated May 24, 2022 and May 26, 2022
- 3) Nicole Moorman dated May 24, 2022
- 4) Connie and Glen Anderson dated May 25, 2022
- 5) Fred and Margaret Quist dated May 24, 2022
- 6) Anthony Gegauff dated May 25, 2022
- 7) Dan Brillon dated May 25, 2022



- 8) Jeanne Smith dated May 24, 2022
- 9) Michelle and Mark Smail dated May 25, 2022
- 10) David Burger dated May 25, 2022
- 11) Joan Chismire dated May 25, 2022
- 12) Stephen McComb dated May 25, 2022
- 13) Audra Duke dated May 25, 2022
- 14) Bob Tesch dated May 25, 2022
- 15) Jack and Karen Fay dated May 25, 2022

Prior to the August 30, 2022 Planning Commission Meeting:

- 1) Matt Gawlowski dated August 25, 2022
- 2) Dan Brillon dated August 25, 2022
- 3) Clint Estes dated August 25, 2022
- 4) Pam Foyster dated August 26, 2022
- 5) Anthony Geugauff dated August 30, 2022

Prior to the January 10, 2023 Planning Commission Meeting:

- 1) Pam Foyster dated December 29, 2022
- 2) Steve McComb dated December 30, 2022
- 3) Matt Gawlowski dated December 31, 2022
- 4) Steve McComb dated December 31, 2022
- 5) Jack and Karen Fay dated January 4, 2023

Prior to the January 31, 2023 Planning Commission Meeting:

- 1) Matt Gawlowski dated January 22, 2023
- 2) Dan Brillon dated January 23, 2023
- 3) Kelly Drake dated January 24, 2023
- 4) Steve McComb dated January 24, 2023
- 5) Ann Mellick dated January 25, 2023 (Movie)
- 6) Michelle Smail dated January 25, 2023
- 7) Clint Estes dated January 26, 2023
- 8) Audra Duke dated January 26, 2023
- 9) Connie Anderson dated January 25, 2023
- 10) Chaucey Edwards dated January 26, 2023
- 11) Jill Wodluk dated January 27, 2023
- 12) Joe Wodluk dated January 27, 2023

Prior to the March 28, 2023 Planning Commission Meeting:

- 1) Brendan Hodge dated February 1, 2023

MARCH 2023 STAFF RECOMMENDATION

Based on the analysis provided in the preceding staff report and the criteria necessary to approve a Sketch Plan, Staff recommends the Planning Commission approve the Four Winds Sketch Plan with the following conditions:

- 1) Year-round secondary emergency access be provided as an alternative to the single access point onto Highway 550.



- 2) The development shall pursue alternative alignments and strategies to connect the proposed Four Winds Subdivision to the Town's sanitary sewer system to be evaluated and considered in conjunction with the submission of the Preliminary Plat for the subdivision.
- 3) The building envelope for all lots within the Four Winds Subdivision be amended to be a maximum of 10,000 square feet.

ATTACHMENTS

- A. Revised Narrative and Sketch Plan dated March 13, 2023
- B. Applicant response letter dated January 18, 2023
- C. Applicant comment response letter dated August 17, 2022
- D. Town Review Letter dated December 29, 2022
- E. Planning Commission Action Letter dated September 6, 2022
- F. Stolfus and Associates / CDOT TIS Review Letter dated December 28, 2022
- G. Application Materials
- H. Public Comments
- I. Lot 2, McChesney Subdivision Memo dated April 26, 2005



Four Winds Subdivision Sketch Review



March 13, 2023
Revised Narrative



Four Winds at Ridgway Subdivision Overview

Four Winds at Ridgway, LLC (“**Applicant**”) is under contract to purchase Lot 2 McChesney Minor Subdivision as shown on the plat recorded October 26, 1994 at Reception Number 157917, County of Ouray, State of Colorado (“**Lot 2**”); and 9.95 acres from the estate of Bernadine Endicott (“**Parcel A**”) that is legally described as the SE1/4SE1/4, Less and Except any portion thereof lying within the Vista Terrace Subdivision, Filing No. 1, according to the plat recorded October 29, 1982 under Reception Number 132890, Town of Ridgway, County of Ouray State of Colorado (“**Endicott Property**”). Lot 2, Parcel A and the Endicott Property are shown in Figure 1. Lot 2 is located in the Residential Low Density District (“**Residential District**”) and the Endicott Property is in the Future Development District (Figure 2). The Town of Ridgway (“**Town**”) down zoned the Endicott Property and Lot 2 from the Residential District to the Future Development Zone District prior to 1994 as indicated in Exhibit A. Table 1 summarizes key facts with the Four Winds Subdivision.

Lot 2 contains 33.09 acres and Parcel A contains 9.95 acres for a proposed subdivision area of 43.04 acres. The revised subdivision Sketch Plan includes 20 lots that range in size from 1 to 2.97 acres with an average lot size of 1.35 acres; two open space tracts that contain a total of 12.74 acres (29.6% of subdivision area); and a dedicated public right-of-way that contains approximately 3.4 acres as shown in Figure 3. Access to the proposed subdivision is from Terrace Drive.

The Applicant proposes the concurrent rezoning of Parcel A back to the Residential Low Density District and to include it with the Four Winds Subdivision because Lot 2 provides the only access to this area due to the steep slopes above the proposed subdivision within the Endicott Property; the approximate 11% topographic grade makes it very suitable for development; the Vista Terrace Subdivision Sketch Plan shown in Figure 4 showed this area platted and accessed from the Lot 2 area; and the Town of Ridgway Master Plan adopted June 12, 2019 (“**Master Plan**”) envisions this area developed as a Rural Neighborhood.

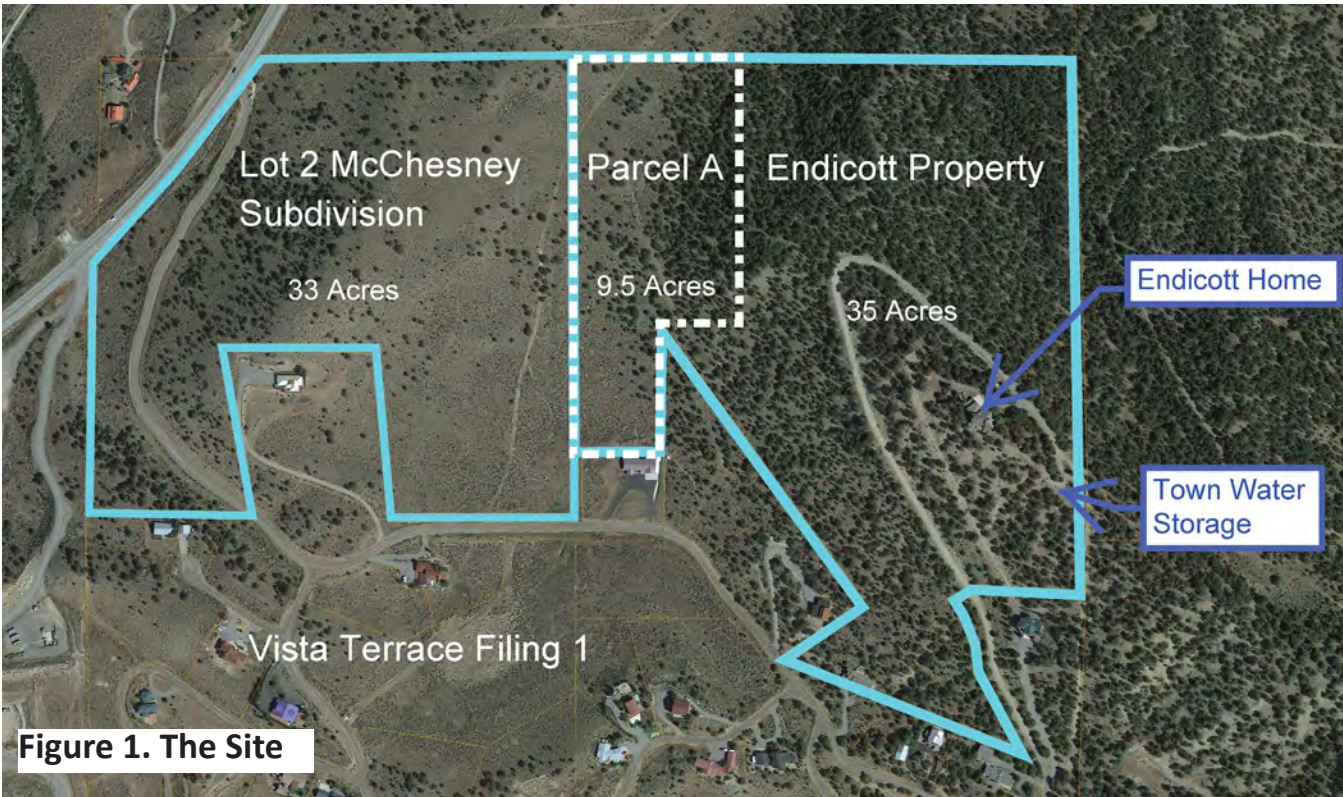


Figure 1. The Site

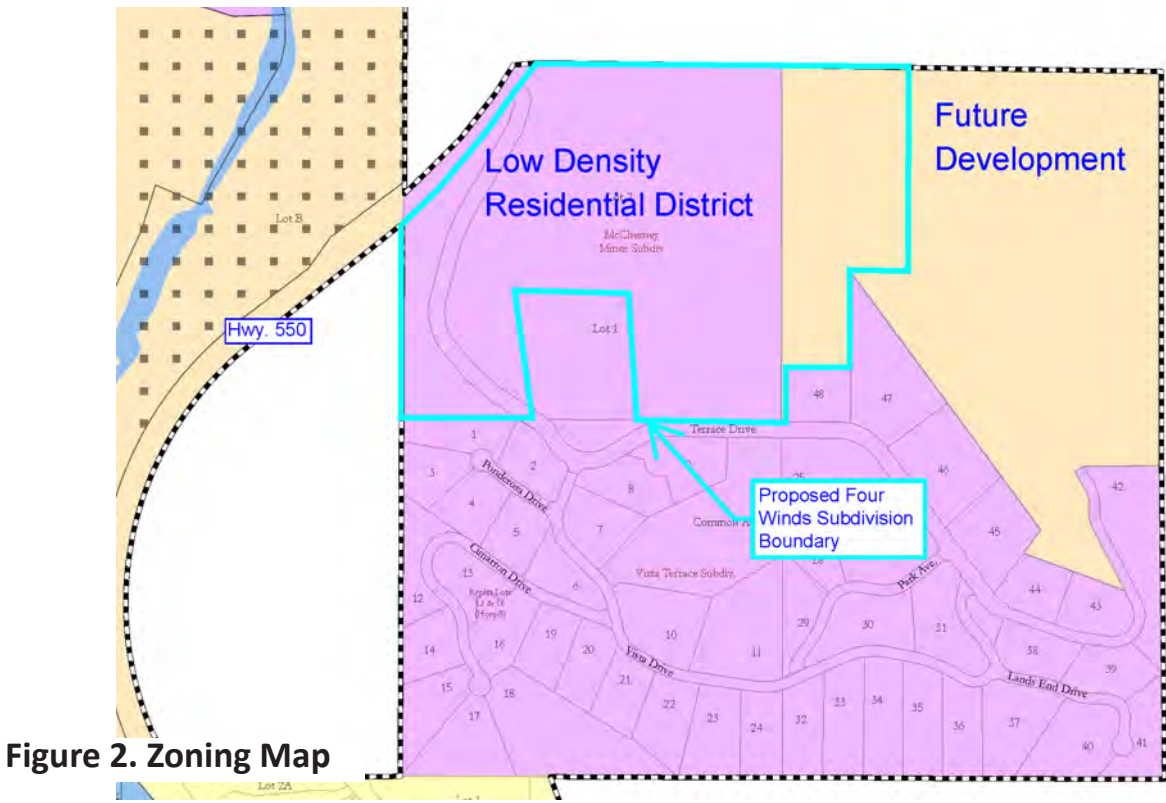


Figure 2. Zoning Map

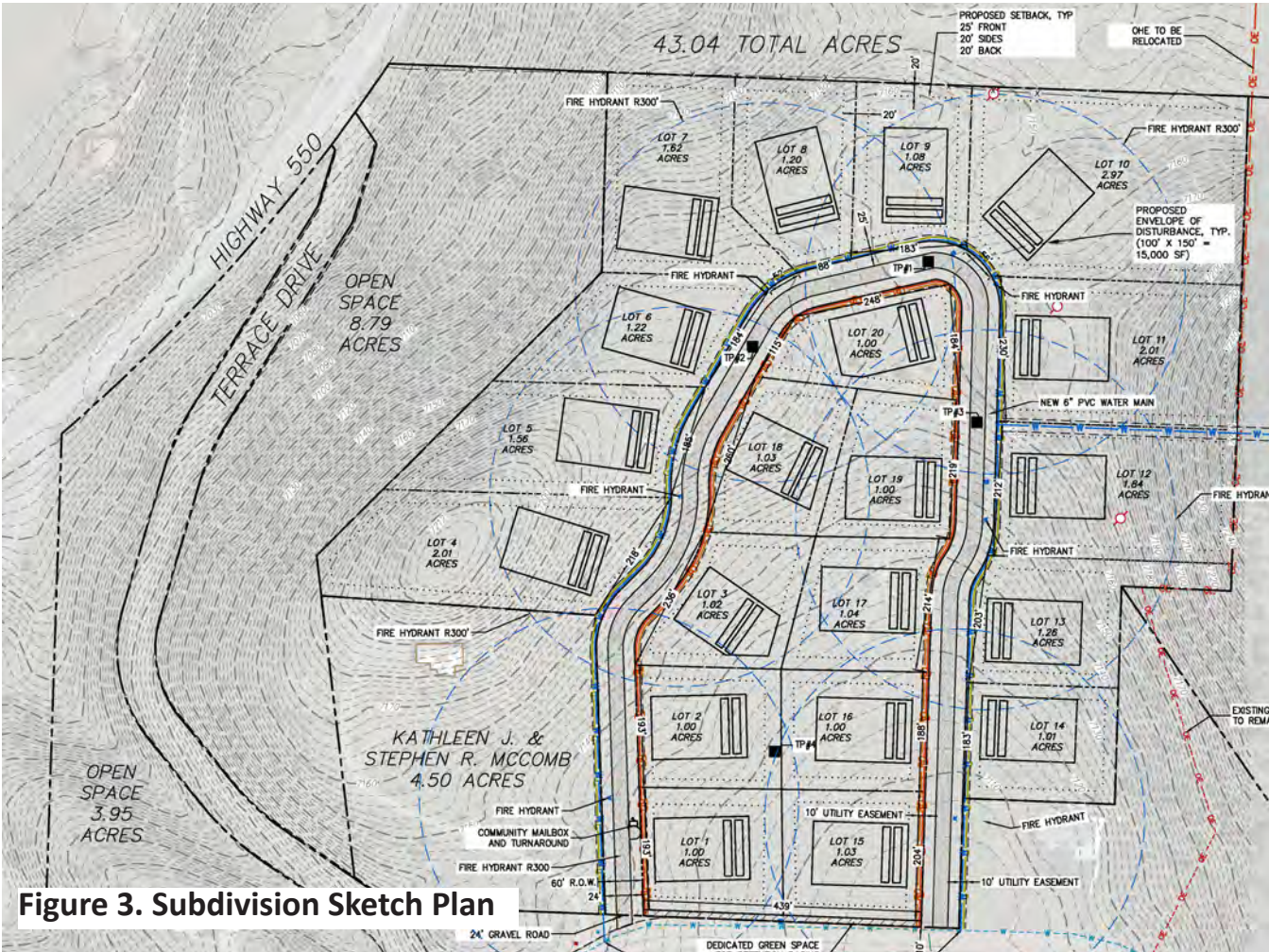


Figure 3. Subdivision Sketch Plan

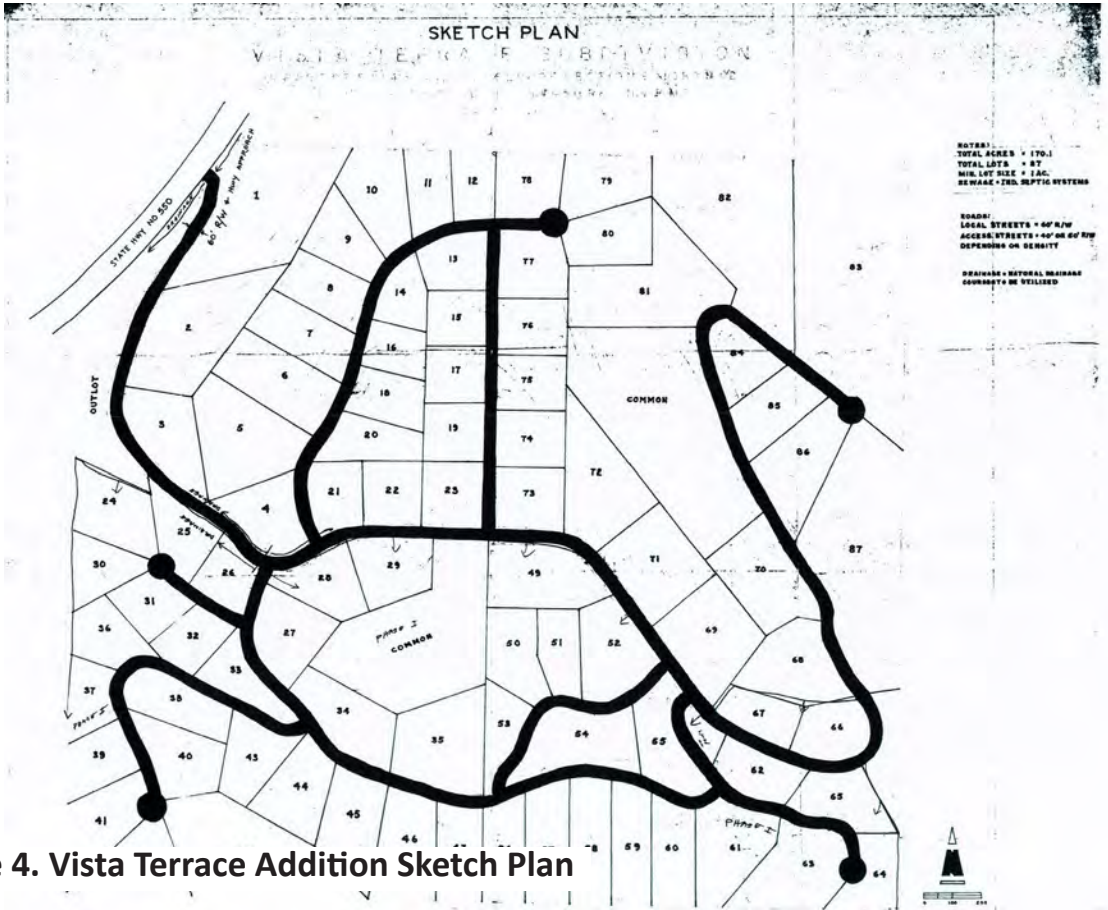


Figure 4. Vista Terrace Addition Sketch Plan

Table 1. Four Winds Subdivision Key Facts

Subdivision Component	Fact
Land Area	43.04 acres
Area in Dedicated Open Space	12.74 Acres (30%)
Area in Private Open Space	20 Acres (46%) (26.9 acres in Lots; 6.9 acres in disturbance envelopes)
Total Dedicated + Private Open Space	32.74 Acres (76%) (Approx. 30 Acres Excluding Drives or 70%)
Ares in Dedicated Right-of-Way	3.4 acres (8%)
Area in Disturbance Envelopes	6.9 Acres (16%)
Density Permitted by Zoning in Lots	195 Lots (26.9 acres (1,171,674 sq. ft.) \6,000 sq. ft. per lot)

Clustered, Green and Sustainable Subdivision Design

The Four Winds Subdivision design is based on clustering the 20 lots away from the Highway 550 corridor with two large open space tracts containing 12.74 acres comprising 30% of the subdivision area. The overall, gross density of the subdivision area is one unit per 2.15 acres (43.04 acres/20 lots). Clustered development concentrates lots or buildings to a smaller area of an overall property to allow the remaining land to be used as open space and protect natural habitat. The density for such clustered development is based on the gross land area in the proposed subdivision in recognition of the provided open space and habitat values provided by clustered development.

The Four Winds Subdivision has been planned and designed in a green and sensitive manner with homes that minimize impacts and maximize views as outlined below, with all public benefits shown

with a blue color. All of the subdivision design elements will be strictly enforced by the Four Winds Homeowners Association (“Association”) through the subdivision declaration, plat notes and design regulations that will be presented with the Preliminary Plat application. The Town will also have enforcement power through the plat notes; the building permit review of each home; and subsequent enforcement in concert with the Association.

- 1. Clustered Subdivision + Disturbance Envelopes - Open Space and Wildlife Habitat.** Disturbance envelopes are provided on each lot to protect and preserve the current sage habitat outside of the disturbance envelopes and preserve wildlife habitat. The developable area within the disturbance envelopes is approximately 6.89 acres and the total area within the proposed lots is 26.9 acres. Preserving the areas in private lots outside of the disturbance envelopes creates an additional 20 acres of private open space that must be maintained in a natural state except for driveways, utilities and address monuments. The 20 acres of private open space combined with the 12.74 acres of dedicated open space provides 32.74 acres of open space or approximately 30 acres if you remove the land needed for driveways serving each building envelope and represents approximately 70% of the total subdivision area. Disturbance envelopes have a 15,000 sq. ft. maximum size in which all improvements must be placed except driveways, utilities, planting native trees or shrubs to improve habitat or provide desired highway buffering, and address monuments. The size of the disturbance envelopes was increased from 10,000 sq. ft. to 15,000 sq. ft. based on a Planning Commissioner comment that the envelopes need to be big enough to include the septic systems. A prohibition on perimeter fencing of the lots allows for wildlife movement through the Property.
- 2. Wildlife Mitigation.** Any owner with a dog must provide a fenced dog run or yard that is located within the disturbance envelope. Leashes or electronic collars will be required even when walking pets on the subdivision roads. Cats must be inside only pets to protect native bird species. Bear proof trash & recycling rooms or enclosures that are built into the primary home will be required.
- 3. Housing Mitigation.** The Applicant has added a new public benefit and will donate \$500,000 to the Town for Affordable Housing initiatives. Such donation would occur prior to recording the Final Plat.
- 4. Solar Energy Required.** A minimum of 70% of a home’s estimated electric use will be provided by on-site solar panels that must be located within the disturbance envelope.
- 5. Encourage Electric Vehicles and Solar Hot Water.** Conduit for electric vehicle charging and solar hot water heating will be required in each home.
- 6. Water Conservation - Xeriscaping.** New landscaping will be limited to native vegetation with only temporary irrigation systems to ensure plant establishment. The maximum irrigated lawn area will be 400 sq. ft. Rain storage systems from roof water consistent with State law (2, 55 gallon rain barrels are allowed) will be required with each home that desires any outdoor irrigation.
- 7. Accessory Dwelling Units.** If supported by the Planning Commission, the subdivision design regulations will encourage Accessory Dwelling units (“ADU”) consistent with Town regulations to provide additional local housing. Declaration and design regulations will require that the ADU housing be rented only to locals working within Ouray County, with strong preference for Ridgway employees. The Applicant originally removed ADUs from the proposal due to Vista Terrace Filing No. 1 property owner comments and also to mitigate traffic onto Highway 550. The Applicant will once again include ADUs if supported by the Planning Commission since CDOT is now requiring a center turn lane on Highway 550 that allows for safe ingress and egress into the Vista Terrace Addition area.
- 8. Design Regulations.** Development of each lot will be subject to design regulations that ensure a consistent and green design that blends with the natural setting. The maximum home size in the

subdivision will be 4,000 sq. ft.

- 9. **Limited Lighting.** Exterior lighting to be limited to required building egress doors, patios, decks, walkways or garage doors. No architectural lighting will be allowed.
- 10. **All Electric Subdivision.** The Applicant is evaluating the feasibility of not extending natural gas lines into the subdivision and also prohibiting propane in order to reduce the carbon footprint. An answer on electric versus natural gas will be provided with the Preliminary Plat application.

Vista Terrace Development History

The Town annexed Vista Terrace Addition in 1981 that included approximately 160 acres consisting of four 40-acre parcels that included the area in Vista Terrace Filing No. 1, Lot 2 and the Endicott Property (“**Vista Terrace Addition**”). The Town annexation originally applied the old, extant R1 Zone District to the Vista Terrace Addition that allowed one unit per acre.

Concurrent with the review of the annexation petition, the Town and the underlying property owners (“**Developers**”) entered into a Water and Sewer Agreement for the Vista Terrace Addition dated May 4, 1981 that is attached as Exhibit B (“**Vista Terrace Water and Sewer Agreement**”) that remains effective. This agreement required:

- 1. Developers to construct an 8” and 6” water mains to serve the Vista Terrace Addition in accordance with Town standards.
- 2. The preferred route for the water main extension; Town assistance to Developers in obtaining necessary easements and a contribution from benefited properties, or for reimbursement at a set rate per tap.
- 3. Town inspection of the water main lines.
- 4. Any connections to the water main only allowed after Town authorization of the tap.
- 5. Town ownership and maintenance of the water main with any needed easements granted by the Developers.
- 6. A one-year warranty for the water lines and repair as needed during this term.
- 7. A requirement for the Developers to annex Vista Terrace Addition.
- 8. Developers to pay for all connections, related service lines and meters.
- 9. All users to be subject to Town water rates, terms and conditions as set forth by Town ordinances.
- 10. A \$10,000 sewer tap pre-payment towards sewer tap fees for Vista Terrace Additions Nos. 1 through 4 that is a clear acknowledgment of future development.
- 11. Connection to Town provided sewer:

“The Town has no present plans to extend a sewer main to Developers’ property [Vista Terrace Addition] and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewer main is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewer line and the owner of the building shall pay any connection and tap fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.” (“**Town-Vista Terrace Sewer Policy**”)

The Town approved Sketch Plan for Vista Terrace Addition that included Lot 2 and Parcel A as shown in Page 5

Figure 4. The Town’s Sketch Plan approval included approximately 30 lots in the area of the proposed Four Winds Subdivision, including 3 lots along Highway 550 as shown in Figure 4.

The Town approved the Vista Terrace Filing No. 1 Subdivision in 1982 with 48 lots on 75.541 acres that includes one 5.369 acres of common open space (7% of subdivision area) as shown in Figure 5. The overall Filing No. 1 density is one unit per 1.6 acres. The “Future Development” of the remaining Vista Terrace Addition consistent with the Town approval of the Sketch Plan is recognized on the Vista Terrace Filing No. 1 Plat as shown in Figure 5.

A June 16, 1994 letter to the Ridgway Town Council indicated that the Town had rezoned the north half of Vista Terrace Addition to Future Development without notice to the underlying property owner as shown in Exhibit A. The McChesney family was one of the original Vista Terrace Addition developers under the name of Aventura Partnership. The Town rezoned the area in the McChesney Minor Subdivision back to the R1 Zone District in 1994 that included conditions for a minor subdivision and also that any development above a single family dwelling would require a binding overall development plan. The Town approved the second subdivision of Vista Terrace Addition with the McChesney Minor Subdivision in 1998 with Lot 1 and Lot 2 containing 4.5 acres and 33.09 acres, respectively, including several plat notes as cited in this narrative and Note 2 that requires a binding PUD or overall development plan to further subdivide Lot 1 or Lot 2. A letter to the Town Council dated June 16, 1994 indicates that a sale was pending for Lot 2 so the primary reason for the subdivision was to split off Lot 2 for sale and development

Lot 2 and Parcel A were annexed and zoned to the R1 Zone District (current Residential District) by the Town in 1981 with a clear understanding this area would be someday developed with approximately 1 unit per acre as shown in Figure 4. The original Vista Terrace developers installed infrastructure in support of the full build out of the subdivision, including the main water line, water tank and the Vista Terrace Access Drive. The Town further recognized the development of all areas outside of Vista Terrace Filing No. 1 as “Future Development” under the R1 zoning as shown on the plat notes in Figure 5, the approval of the McChesney Minor Subdivision as shown in Exhibit C, and one of the phasing plan shown in Figure 6.

Sketch Plan Criteria

Subdivision Regulations Section 7-4-5(A)(1) requires that subdivision proposals be consistent with the town standards and be reviewed on the following criteria:

Conformance with the Master Plan and Zoning Regulations

Conformance with Zoning Regulations

The proposed subdivision conforms with the Town Zoning Regulations as established in Chapter 7 Section 3 of the Town Municipal Code (“**Zoning Regulations**”). The proposed single-family land uses and associated accessory uses comply with Zoning Regulation Section 7-3-5(B), Use by Right.

The proposed subdivision density is significantly less than permitted by the Dimensional & Off-Street Parking Requirements in Zoning Regulation Section 7-3-15(A) that permits up to one lot per 6,000 sq. ft.. The 43.04 acres in the Four Winds Subdivision is permitted a gross density of 312 units per the Zoning Regulations. The permitted Zoning Regulation density would be 195 units if just applied to the current proposed lot area of 26.9 acres. We realize that this level of density would require central

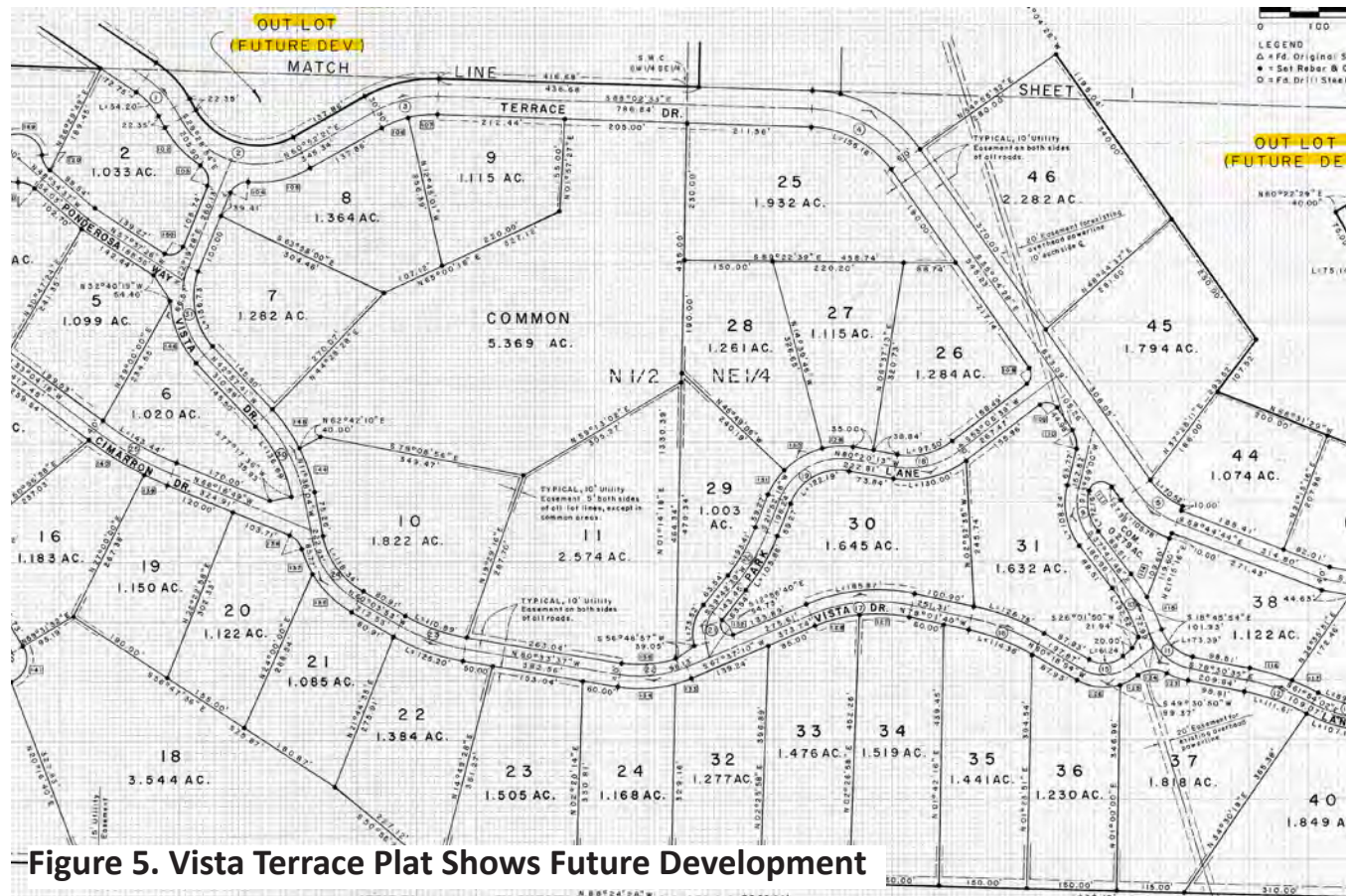


Figure 5. Vista Terrace Plat Shows Future Development

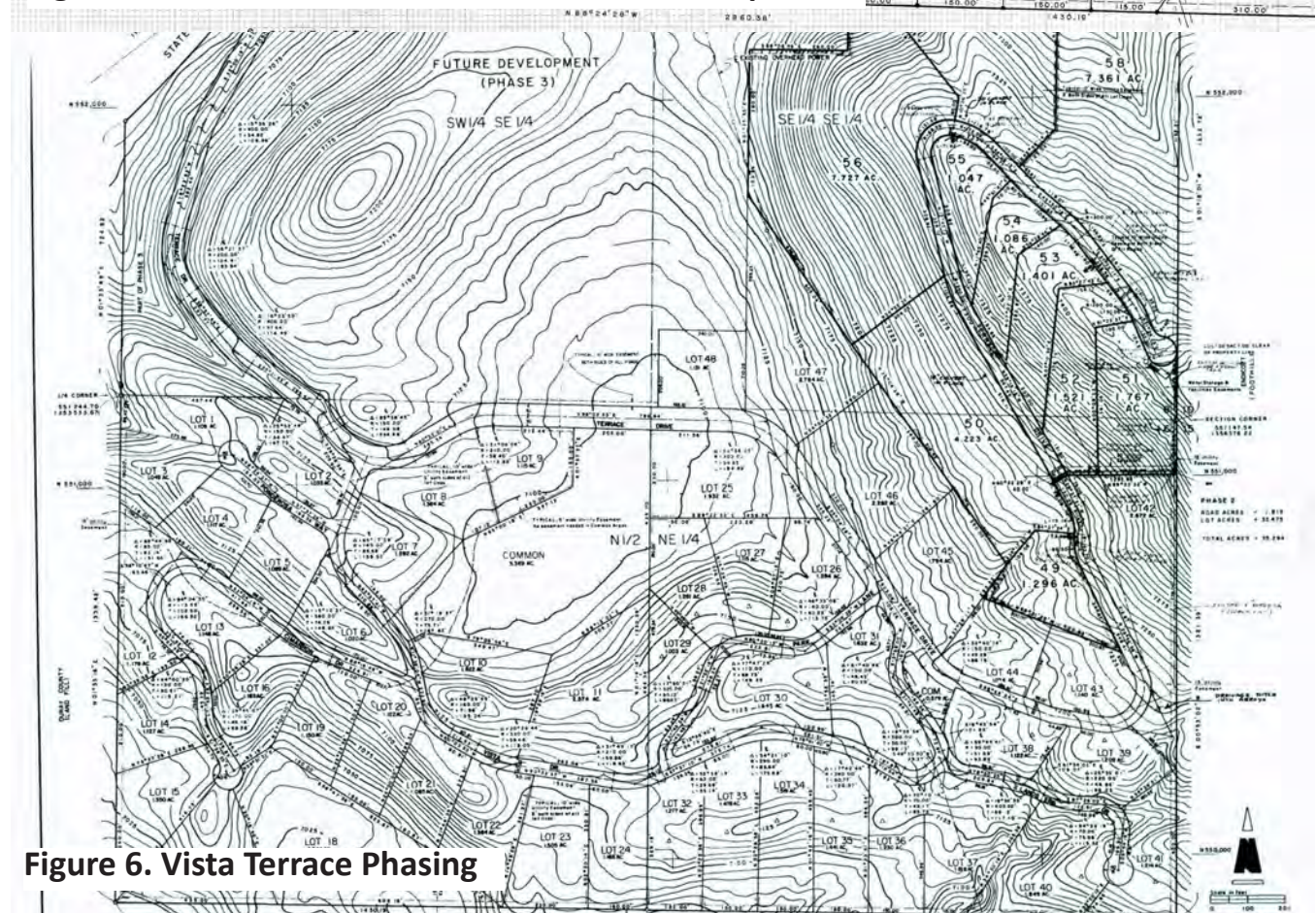


Figure 6. Vista Terrace Phasing

sewer and also does not fit the area given the Town’s original approval of the Vista Terrace Addition with a rural density at one unit per acre. The Four Winds Subdivision proposes a gross density of one unit per 2.2 units per acre, or half the density originally approved by the Town under the Vista Terrace Addition and rezoning. The proposed Four Winds density is approximately 90 percent less than allowed by the Residential District, and 53% less than the original Town R1 zoning applied during the annexation and rezoning process. The proposed one unit per 2.2 acre Four Winds density is also less than the Vista Terrace Filing No. 1 density of one unit per 1.6 acres. It should also be noted that the Town increased the density allowed in the Residential District and within Lot 2 as a part of the 2020 Zoning Regulation amendments, with lot size decreasing from 10,000 sq. ft. to 6,000 sq. ft. that is a 40 percent increase in the Zoning Regulations permitted density. A Town file memo dated April, 26 2005 as shown in Exhibit D (“**Lot 2 Town Memo**”) reaffirms the zoning and density permitted within Lot 2:

“Zoning and Density

The property is currently zoned ‘R’ Residential Zoning District. Minimum lot size is 10,000 sq. ft. in this zone...

The Sketch Plan shows that all lots significantly exceed the required 50-foot lot width and lot frontage with a range of 52 feet (Lot 7) to 248 feet (Lot 20). Most lots have widths of over 180’ as shown in the Sketch Plan Set. The proposed lots will also be well below the maximum lot coverage of 50% with the 15,000 sq. ft. building envelopes significantly limiting home size. The maximum site coverage is estimated to not exceed 6,000 sq. ft. per lot with an average lot size of 1.3 acres (56,628 sq. ft.) that equates to an average site coverage of approximately 11%. The proposed subdivision will have approximately 35% less site coverage than allowed by the Residential District.

The proposed Sketch Plan meets or exceeds the Residential District setbacks of 15-foot front, 8-foot side and 5-foot rear setbacks as shown in the Sketch Plan set. The proposed disturbance envelopes also provide ample room for the required two on-site parking spaces.

Conformance with the Master Plan

Density

The Master Plan envisions Lot 2 and Parcel A as a Rural Neighborhood with a maximum density of 0.1 to 1 dwelling unit per acre that translates to a density range of 4 to 43 units. The Master Plan is an advisory document and does not set the density on Lot 2 or Parcel A. The proposed subdivision density at one unit per 2.2 acres is 53% less than the maximum density envisioned by the Master Plan. The proposed density of one unit per 2.2 acres is a rural density that is compatible with Vista Terrace Filing No. 1 density of one unit per 1.6 acres while also providing approximately 70% of the land area in dedicated and private open space (12.74 acres of dedicated open space or 30% of the subdivision area + 20 acres of private open space or 40% of the subdivision area). Vista Terrace Filing No. 1 contains only 5.73 acres of open space in a 75.5 acre subdivision, or only 7.6% of the subdivision area.

The proposed subdivision is designed in a sensitive, green, sustainable and clustered manner as described above, including 15,000 sq. ft. disturbance envelopes, preservation of sage habitat, 70% minimum solar energy, wildlife mitigation provisions, and modern design guidelines to ensure homes sensitively fit into each lot. The project engineer evaluated septic feasibility and found that the soils conditions easily accommodate on-site wastewater treatment system that will meet State and County regulations as shown in Exhibit H. A plat note will require connection to central sewer service if and when the Town is able to extend sewer to the area. The water system will be designed to accommodate

the required storage and delivery systems for the proposed subdivision. The Town indicated that it has water capacity for the intended development via the recent water study, and water conserving measures will be included in the subdivision design requirements via design standards, covenants and plat notes. Electric and natural gas services are available to serve the proposed density. One unit per 2.2 acres is a rural level of density, with development clustered into 26.9 acres that has 20 acres of private open space and only 6.9 acres in disturbance envelopes.

Environmental (ENV) Policies + Consideration of Growth IGA

Residential density will be clustered with dedicated and private open space areas and development limited to disturbance envelopes of 15,000 sq. ft. that will maintain the rural character, vegetation and natural habitat (Policy ENV-1.2). The 12.74 acres of dedicated open space and approximately 30 acres in private open space will further maintain the rural character and natural habitat. Natural hazard areas will be avoided and environmentally sensitive wildlife habitat and steep slopes impacts will be mitigated (Policy ENV-1.1- Please see slope discussion below). Environmentally sensitive areas such as wetlands, riparian areas will be avoided (ENV-1.1). Noxious weeds will be managed and eliminated from the Property if present per the Ouray County Weed Plan (ENV-1.1). The subdivision stormwater system will ensure that drainage does not negatively impact local water quality (ENV-3.3). The proposed gravel road and subdivision design will avoid excessive concentrations of stormwater and minimize the need for storm sewer infrastructure (ENV-3.4). The subdivision will require a 70% of a home’s electric power be provided by solar energy, electric vehicle charging and similar green building measures (ENV-4.1 and ENV-4.2). The proposed open space and disturbance envelope will protect and preserve a big portion of the pinyon and juniper forest unless tree removal is needed for fire mitigation (ENV-5.1).

The limitation on formal irrigated yards will conserve water for the Town (ENV-3.6). The subdivision required 70% minimum solar energy and conduit for electric vehicle charging will require and encourage the use of renewable energy. Great solar access to each lot will further reduce energy use during the winter months.

Wildlife

The Master Plan includes a Sensitive Natural Areas map that shows Lot 2 and Parcel A with “Wildlife Production Areas”, “Important Wildlife Habitat”, “Bird Nesting Sites” and “Steep Slopes (>20%)”. This map also includes the following notation in the map legend:

“Wildlife data shown on the map should not be interpreted as having hard boundaries, nor as precluding any or all development. The sensitivity of particular wildlife habitats, migration corridors, nesting sites, etc. should be evaluated and mitigated, where appropriate, at the site level as a part of the development process.”

The Master Plan states that the Sensitive Natural Areas map does not preclude development. The Applicant’s team referred the proposed Sketch Plan to the Colorado Division of Parks and Wildlife (“CPW”) to determine appropriate wildlife mitigation in light of the Master Plan’s policies and the Sensitive Natural Areas map. The Kelly Crane CPW wildlife impact report is included as Exhibit E and states:

“...This property lies within Colorado Parks and Wildlife (CPW) mapped elk and mule deer severe winter range and winter concentration area and adjacent to a black bear summer concentration area...”

“...We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don’t recommend perimeter lot fencing, especially in big game winter range, if it were ever allowed it should follow CPW’s Fencing with Wildlife in Mind guidelines
- Containing dogs within fenced yard and / or dog run and requiring dogs to kept on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures...”

All of these mitigation measures were proposed and included in the Four Winds Sketch Plan prior to the CPW wildlife impact study an no further mitigation was required by the CPW. While CPW suggest that “...improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision...”, there was no specific requirement to improve habitat or to deed restrict land from development in Ouray County. The Applicant spoke with Kelly Crane who indicated that there has not been a severe winter since 2002 that is over 21 years ago, so the need for severe winter range is not common.

The Applicant cannot commit or be required to deed restrict land it owns on Miller Mesa in Ouray County because that removes the main property owner tax incentive for such restrictions. More importantly, the CPW did not recommend any additional mitigation measures than outlined in the CPW letter that have been included in the Sketch Plan. The Applicant intends to place a conservation easement on a large portion of his Miller Mesa Property but is retracting any tie to the Four Winds Sketch Plan to simplify the mitigation as required by CPW.

We would also note that the Town did not require any wildlife mitigation for the River Sage Subdivision plats or a requirement to provide or improve wildlife habitat. We include this as a direct comparison since the River Sage PUD Filing No. 2 plat, as recorded at Reception Number 224599 and approved by the Town in 2020, did not include any wildlife mitigation requirements. The Town also approved the Vista Terrace Addition Annexation, zoning, Vista Terrace Filing No. 1, and the McChesney Subdivision, so Lot 2 is annexed, zoned and platted property within the Town. It is not like a new annexation or zoning, with an understanding that the Town down zoned Parcel A without the property owners notification or consent.

Ridgway is also subject to an Intergovernmental Agreement with Ouray County on growth as shown in Exhibit F (“**Growth IGA**”) that has the following goals:

“The agreement will be a tool:

1. To direct growth, not simply manage growth in that area surrounding the Town of Ridgway as defined in the Urban Growth Management Area [“**UGMA**”].
2. To consider urban development only where the full range of urban public services can be provided within the Area of Influence and within the Urban Growth Management Area.

- 3. To influence urban development so that it occurs within or will be annexed into the Town of Ridgway.
- 4. To protect visual corridors and in so doing retain community identity.
- 5. To preserve open lands, alpine lands and agricultural land uses around urban areas.
- 6. To preserve natural areas such as streams, canyons, wetlands, wildlife habitat, alpine lands, wildlife corridors, riparian habitats and other lands...”

Lot 2 and Parcel A are located within the UGMA and intended for growth and development while preserving natural areas and wildlife habitat outside of the incorporated Town limits.

Steep Slopes

Master Plan policy ENV-1.2 states:

POLICY ENV-1.1: Environmentally Sensitive Areas

“Limit new development in environmentally sensitive or constrained areas, such as steep slopes, the river floodway and floodplain, riparian areas, wetlands, and other areas that contribute to the ecological health and diversity of the valley.”

The Master Plan does not define “steep slopes” because policy GRO-3b states:

Goal GRO-3: Proactively mitigate natural and human-made hazards and plan for a resilient community.		
Action GRO-3a: Identify and secure a secondary interconnection for any interruption in the Town's water supply.	Lead: Administration	Short-term (F)
Action GRO-3b: Define “steep slopes” in the development code, and develop regulations that detail the conditions and performance standards under which such development may be evaluated.	Lead: Community Development Partners: Planning Commission	Long-term (P)

We strongly believe that the Town cannot apply steep slope requirements that are in the Sensitive Areas map until and if it adopts steep slope regulations that define steep slopes and develops associated regulations. Most Colorado mountain communities define steep slopes as slopes that are 30% or greater, allow for development of slopes that are 30% or less, and allow development on 30% slopes if a property was already annexed, zoned and platted, and you provide a geotechnical report and engineered plans. We would also note that there was no steep slope analysis completed for River Sage PUD Filing No. 2 plat.

The revised Sketch Plan set shows slopes that are 30% or greater and slopes that are 20% or greater. Development within the subdivision will not impact slopes that are 30% or greater. Lots 4, 7, 11, 12 and 13 have slopes that are 20% or greater that are not a development constraint. The development of all properties will require site-specific geotechnical evaluation for the preparation of structural and grading plans. These reports will identify any needed geotechnical mitigation.

Community (COM) and Growth Policies(GRO)

The subdivision will provide additional single-family residential housing opportunities in the town including accessory dwelling units and single-family homes. The Applicant’s newly proposed \$500,000

contribution to the Town for affordable housing will provide housing funding (COM-2.1, COM-2.2). The subdivision design standards combined with the Town single-family design and dimensional standards will ensure the character or the Vista Terrace area and the Town are protected (CHR-1.1, GRO-1.5). A gravel crusher trail has been added to the subdivision as shown in the Sketch Plan Set. The proposed trail on the open space leading to Highway 550 and the crossing to BLM land has been removed from the Sketch Plan based on neighbor and town safety concerns with the highway crossing. (CHR-1.2, CHR-7.2). The proposed subdivision open space will maintain the northern scenic Highway 550 corridor and gateway into the town preserving mountain vistas and natural character (CHR-6.1). The proposed disturbance envelopes and open space cluster development to preserve habitat and visual quality (GRO-1.6). The proposed subdivision development will pay for all the required infrastructure including installing electric, natural gas and telecommunications lines, and also pay for increased water storage needed to support the development (GRO-2.1). The proposed development will avoid hazardous areas including floodplains and slopes that are 30% or greater (GRO-3.1). On-site stormwater management will be provided per the Town’s regulations and plans (GRO-3.2).

Community Character Policies

A visual analysis was completed for the subdivision using poles that were 35 feet tall as shown in Exhibit G. Lots 7, 8, 9 and 10 do not break the skyline above the mountain backdrop and do project over the geographic ridge. Out of 20 lots, only four lots will have homes that are visible over the geographic ridge but not over the mountain backdrop with blue skies maintained. Development within the Town is not subject to the County’s Visual Impact Regulations and the Ridgway Municipal Code does not regulate development on ridgelines.

The proposed subdivision complies with CHR-6.3 as follows:

“POLICY CHR-6.3: Ridgeline Protection

Encourage the use of clustering, flexible setbacks, height limitations, and other site planning techniques to minimize the visual impact of ridgeline development when viewed from public rights of way.”

The Four Winds Subdivision is clustered at the rear of the property away from Highway 550 with two open space tracts containing 12.74 acres designed as buffers. The development lots are significantly setback from the Highway 550 corridor with the closest lot line approximately 346 feet from the highway right-of-way, and a range of up to approximately 414 feet. The developer will create design guidelines with the Preliminary Plat application for Lots 4-7 to minimize visual impacts, such as the use of natural colors and materials that blend with the ridgeline. The developer will also provide a detailed visual analysis with the Preliminary Plat application. The Growth IGA was created to focus development in the Town of Ridgway and to “protect visual corridors and in so doing retain community identity”, with areas outside of the Town maintained in a more natural or agrarian nature. It is clearly recognized that there will be visual impacts along Highway 550 and 62 through the Town and the Urban Growth Area in order to protect views outside of it in the agricultural areas of the County.

Initial Growth Boundary

The Master Plan’s Initial Growth Boundary policy is found under the Growth Framework and states:

“Initial Growth Boundary (IGB)

The IGB delineates the area within which the Town will encourage urban levels of development in the next ten to twenty years. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided. The purpose of the IGB is to support the community’s desire to grow in an orderly, logical and sequential pattern outward from the existing town core. In general, urban levels of development outside the IGB would be considered premature until substantial development has occurred within the boundary.”

The Four Winds Subdivision proposes a rural level of density at one unit per 2.2 acres and is not an “urban level of development” and is therefore outside of the current IGB policy in our opinion. The IGB policy does not allow the Town to prohibit any development applications outside of the IGB, especially within annexed, zoned and platted areas. While the community desires to grow from the existing town core outward, there is no specific and objective Master Plan policy, goals or actions that states no subdivision applications can be submitted outside of the IGB. Policies such as that would be a takings of property rights, with the Property annexed and zoned by the Town to allow for development based on the underlying permitted uses and dimensional standards. The Town approved the annexation and zoning of the Vista Terrace Addition with the understanding that it would someday be subdivided, and arbitrarily placing it outside the IGB cannot prevent its development with reasonable uses as envisioned by the Master Plan. Property owners may propose development consistent with the zoning that is also in general conformance with the Master Plan policies.

The Four Winds’ property is also located within the UGMA that was established to “...direct growth... in the Urban Growth Management Area...” The Four Winds site is located within the incorporated area of the Town and the Residential District. The underlying zoning allows for reasonable use of Lot 2 and Parcel A.

A review of the prior 2011 Town of Ridgway Land Use Plan showed the establishment of the first IGB that had it as an actual goal as follows:

“Promote a sustainable and complementary development pattern within the rural landscape outside of the Initial Growth Boundary, but within the Urban Growth Boundary/Urban Growth Management Area and Area of Influence.”

We only include this to show that the prior master plan allowed for reasonable use of properties outside of the IGB with specific goals and objectives for such development focused on rural type development.

The Town allowed for rural development outside of the IGB with the River Sage Addition development that was approved and recorded in January of 2020, and after the adoption of the Master Plan. We are seeking a similar approval for a rural density on zoned land that was annexed, zoned and platted long before River Sage was contemplated by the town with an understanding that the property would be someday subdivided.

Relationship of Development to Topography, Soils, Drainage, Flooding, Potential Natural Hazard Areas and Other Physical Characteristics

Most of the subdivision lots have gentle sloping topography with slopes less than 30%. A soils/

geotechnical report will be provided with a future Preliminary Plat application as required by the Subdivision Regulations. Buckhorn Engineering will design the civil plans in accordance with Town regulations, including the required drainage and utilities plans. The site is not located in any mapped floodplain or other natural hazard areas. The sage habitat of the subdivision will be preserved through open space and disturbance envelopes as described earlier in this narrative. The narrative sections above further address the relationship of the subdivision to topography, soils, drainage, flooding, natural hazards and other physical characteristics.

Availability of Water, Sewer, Access and Other Utilities and Services

Water

Town staff indicated that adequate water supply is available for the lots in proposed subdivision from the Town water treatment system. Buckhorn Engineering calculates that the water storage requirement for the subdivision is 38,200 gallons plus the 18,000 gallons in the existing tank for a total of 56,200 gallons of peak day and fire flow of 750 gpm for 60 minutes. The Applicant, working in coordination with Buckhorn Engineering and the Town’s consulting engineer, will design and install a new tank next to and attached to the existing tank along with associated water lines and system improvements as needed. The added water tank storage capacity and associated benefits will be available to all of Vista Terrace Addition.

The construction of added water storage and the associated water lines will meet the following Note No. 4 on the McChesney Subdivision Plat relative to Lot 2:

“If required by the Town of Ridgway, the owners of Lots 1 and 2 will participate in a Special Improvement District for the purpose of expanding water storage capacity which serves these lots as well as the adjacent properties.”

Plat Note 2 related to Lot 2 can be eliminated from the replat since the required water storage will be provided.

The conceptual water system design for the subdivision is shown in the revised Sketch Plan Set. It is Buckhorn Engineering’s understanding that the current Town owned and operated water delivery system is adequate to serve Vista Terrace and the proposed subdivision. We will confirm this with the Town consulting engineer when preparing the civil engineered plans for the Four Winds Subdivision, and upgrade or improve existing pumping if needed.

The proposed water tank is located within an existing easement for the current water tank as shown on the revised Sketch Plan Set (“**Water Tank Easement**”). Town access to the water tank is provided by the current access drive through the Endicott Property with an access easement provided with the Water Tank Easement. A new waterline easement will be provided through the Endicott Property for the new water line serving the Four Winds Subdivision, with the draft easement submitted with the Preliminary Plat application.

Sewer

The McChesney Subdivision Plat Note 1 states:

“A Town sewer system is not available to serve Lots 1 and 2 of this subdivision. No building permit or other development permit shall be issued for any Lot until Individual Sewage Disposal System Permit (ISDSP) has been issued. In order for an ISDSP to be issued, the applicable requirements of Colorado statutes and regulations, and Town Regulations, if any, as in effect from time to time, must be met. The Town shall have no responsibility on account of its denial of an ISDSP for any lot which cannot meet the requirements and applicable law.

It shall be the responsibility of the owner of any lot to maintain any permitted individual sewage disposal system in good operating order in accordance with State law. Failure to maintain a system can result in civil and criminal penalties.

The owner of each lot shall be aware that the property within this subdivision may be included within the boundaries of a sewer system improvement district and assessed for the cost of connection for each lot, and applicable tap fees, at such time as the Town, in its discretion, deems it advisable to cause the creation for such district.”

Buckhorn Engineering conducted soils testing in the proposed subdivision and found the soils are well suited to the design of septic systems as shown in Exhibit H. The Town specifically permits septic systems for Lot 2 and future subdivisions of Lot 2 pursuant to Plat Note 1 that was approved by the Town in 1998, and pursuant to the Town-Vista Terrace Sewer Policy. It has been 28 years since the Town permitted septic systems for Lot 2 and a Town sewer system is still not available to serve the Vista Terrace area. The Town also contemplates allowing septic systems per Subdivision Regulations Section 7-4-3(C) that does not allow a septic tank permit or other permits to be issued for a property that is in violation of the regulations.

The Water and Sewer Agreement states the following in regards to the provision of central sewer:

“The Town has no present plans to extend a sewer main to Developers’ property [Vista Terrace Addition] and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewer main is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewer line and the owner of the building shall pay any connection and tape fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.”

Connection to sewer remains unfeasible 42 years later with this policy still in effect.

To Applicants knowledge, the Water and Sewer Agreement has never been terminated nor amended and thus is still in full force and effect. Certainly, conditions have not materially changed in the intervening years and the ability to use Town sewer remains infeasible. The Applicant understands that there should be a plat note for the Four Winds Subdivision plat that recognizes the Property may be included into a sewer system improvement district per Plat Note 1 or require properties to connect if a sewer line is extended within 400 feet of home per the Vista Terrace Water and Sewer Agreement.

The Applicant provided two (2) separate feasibility analyses as shown in Exhibit I on connecting to the Town’s central sewer system located under Redcliff Drive to the south of Vista Terrace Filing No. 1. The first route is proposed to follow Vista Terrace Drive to the Highway 550 Right-of-Way and the second route, proposed by Town staff, was to route a sewer line through the Vista Terrace Subdivision. Both routes are infeasible due to costs and physical constraints, with costs ranging from approximately \$1.3 to \$1.7 million. The physical slope and safety constraints of Highway 550 are very problematic and would add to the Town’s carbon footprint with another lift station required. The route through Vista Terrace Filing No. 1 is not feasible due to costs and the fact that there is no current utility easements wide enough to construct a line through the subdivision, with a 20-foot easement needed to install and maintain a sewer line. Side lot lines have a 5-foot easement on either side for only 10 feet and the perimeter easement is only 15 feet.

Highway 550 Access

The Town approved Vista Terrace Drive as the main access for Vista Terrace Addition and the Vista Terrace Filing No. 1 plat in 1982. The Colorado Department of Transportation (“CDOT”) and the Town did not require any improvements to Highway 550 at that time with the CDOT access permit issued on September 17, 1981. The CDOT access permit included several conditions including one that required acceleration and deceleration lanes to be constructed to Terrace Drive when required by CDOT.

The 1998 McChesney Subdivision Plat Note 1 states:

“This subdivision and/or development of the lots shown hereon may trigger requirements of the Colorado Department of Transportation for improvements to the intersection of U.S. Highway 550 and Terrace Drive. Any subdivider or developer of the property will be responsible for some or all of the costs of these improvements which are not assumed by the State as determined by the Town Council and this responsibility may be a condition of further subdivision or development approval. Lots created hereon may also be subject to costs and assessments for the costs associated for such improvements. The Ridgway Town Clerk is hereby appointed as the attorney-in-fact of the owners of the lots shown hereon for the proposes of executing petitions for the creation of improvement districts to pay for the costs of such improvements and to vote in any election which may be required to approve financial obligations in order to finance the costs of such improvements.”

CDOT constructed the acceleration and deceleration lanes in 2008 in conjunction with similar lanes to the County shop/office area.

Subdivision Regulation Section 7-4-7(C)(3) states:

“Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.”

The Applicant submitted a traffic impact analysis to CDOT for review as set forth in Exhibit J. A CDOT review of the analysis, also shown in Exhibit J determined:

- 1. The Applicant shall provide a southbound left-turn deceleration lane meeting the requirements outlined in Section 4.8 Speed Change Lanes of the State Highway Access Code. For R-A highways, left-turn deceleration lanes consist of decel length + storage. The required taper

length is included with the stated decel length.

2. For the 60MPH highway, the deceleration length shall be 700 feet, including a 25:1 taper. Twenty-five (25) feet of storage length shall be provided.
3. The geometric requirements listed above shall be adjusted for any grade of three percent or more.

The Applicant understands and agrees to the CDOT access permit requirements. The Preliminary Plat plan set will include engineered design for the Highway 550 improvements that will also include a new existing conditions survey of the highway right-of-way where grading and improvements are required.

Secondary Subdivision Access

Subdivision Regulation 7-4-7(C)(7)-(8) state:

“(7) Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turn-around diameter of at least 100 feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.

(8) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary turn-around easement of 80 feet shall be required.”

The Town approval of Vista Terrace Addition annexation, Vista Terrace Filing No.1 and the McChesney Minor Subdivision (“**Prior Town Approvals**”) did not require any secondary access to Highway 550 or the Ridgway USA development (Ridgway Village) as shown in the plans for these Town approvals. The best representations of the Town approval of the cul-de-sac approvals include the first Sketch Plan shown in Figure 4. Vista Terrace Filing No. 1 does not have any public rights-of-ways that could access Ridgway Village. Thus, the Town approved Vista Terrace as a dead end, cul-de-sac subdivision without secondary access knowing the only viable, platted and planned route for all of Vista Terrace Addition’s access is Vista Terrace Drive.

The Prior Town Approvals of the Vista Terrace Addition annexation, Vista Terrace Filing No. 1 and the McChesney Minor Subdivision were all predicated upon this development having only one access route in and out of the subdivision via Terrace Drive. There is no way to provide secondary access through Ridgway Village to the south, and lands to the north and east of Vista Terrace Addition are located outside of the Town and the Urban Growth Boundary.

The Lot 2 Town Memo states the following in regards to secondary access:

“With regard to access in general, there have been several discussions regarding options for a secondary access to the Vista Terrace Community from the nearby and adjoining Ridgway USA development (the property currently being re-subdivided under the name of “Ridgway Village”). Even if that access can be developed, it would be a supplement rather than a replacement for the existing highway access by Vista Terrace Drive. For planning purposes, the Vista Terrace Access should be considered the only viable route at this time.”

Nothing has changed in the 18 years since this letter was written, with no secondary year-round access viable.

The developer negotiated a summer only emergency only access easement agreement for all of Vista Terrace Addition as shown in Exhibit K [Blue color denotes public benefits] Also as part of Exhibit K and attached thereto is an email confirmation from the Grantors’ attorney acknowledging the Grantors’ approval of the easement. This easement crosses land owned by the Estate of Bernadine Endicott as well as land owned by Four Winds Ranch I LLLP and Four Winds Ranch II LLLP. This emergency access easement will not be executed, recorded nor become effective until the Town’s approval and recordation of the Final Plat. As an aside but important to the process is to note that this huge community benefit could not have been accomplished but for the applicant’s expenditure of great effort and financial resources.

It is not financially feasible to convert the proffered emergency easement to a year round access with standard road widths, grades, and construction per the Town’s specifications, and the grantor of that easement has stated unequivocally that she will not agree to anything other than the easement that has previously been negotiated and submitted to the Town and for which the Applicant has invested significant funds to secure. The intent is to provide a summer- only emergency access in the event of a wildfire with the road maintained in a primitive state. The provision of the easement as currently structured is better than having no summer emergency easement, with a clear acknowledgment and agreement with the Lot 2 Town Memo that year round secondary access to Vista Terrace Addition remains nonviable.

River Sage Subdivision and PUD were also designed and approved by the Town as a cul-de-sac subdivision in contravention of Subdivision Regulation Section 7-4-7(C)(7)-(8). The only difference is that a secondary emergency access easement was provided in a document recorded at Reception Number 196092 through Lot 3 of Sweetwater Ranch to Eagle Hill Ranch Roads but it only allows access for “...official emergency vehicles...” and not for property owner emergency access. The Subdivision Regulation prohibition on cul-de-sac communities was in effect when River Sage PUD was approved just like it is today and the Applicant is seeking the same treatment.

Interior Subdivision Access Road

The Four Winds Subdivision access road has been redesigned to a U-shaped road as requested by Town staff and the Planning Commission as shown in the revised Sketch Plan set. We prefer the original cul-de-sac design (lollipop design per Town staff) that had a secondary emergency egress behind Lots 15 and 16 because it provided slightly more private open space outside the disturbance envelopes and more of a buffer to Lot 1 in the McChesney Subdivision and Lot 48 Vista Terrace Filing No. 1.

The new U-shaped access design includes: 60-foot wide right-of-way, 24-foot wide gravel road and a 4-foot wide crusher fine sidewalk around the outside perimeter of the road as required by the Subdivision Regulations

Subdivision Regulation Section 7-4-6(A)(6) states: “Streets shall be paved in circumstances where required by Town street specifications.” The subdivision road is planned as a gravel road for this rural subdivision. Gravel roads are a permitted street surface material per the Town of Ridgway Standards and Specifications and Typical Drawings for Infrastructure Construction (“**Specifications**”). The Specifications include a “Typical Drawing” for a “Typical Gravel Street”. A gravel street is proposed because it is permitted in the Specifications; there is no paving within the Vista Terrace Addition; the cost of the paving; the Town cost for maintaining the paving versus gravel; added stormwater discharge due to paving; added carbon footprint of paving; and due to the rural nature of the subdivision.

Other Infrastructure

Electric, natural gas and telecommunications infrastructure are available in the Terrace Drive Right-of-Way with the conceptual subdivision utility plan shown in the revised Sketch Plan set. Fire hydrant spacing and required radii are also shown.

Compatibility with the Natural Environment, Wildlife, Vegetation and Unique Natural Features

The proposed open space, disturbance envelopes, dog control measures and normal Town construction mitigation requirements will ensure the natural environment, vegetation and wildlife are protected. Other sections in this narrative document how the proposed development is compatible with the natural environment, wildlife and vegetation.

Public Costs, Inefficiencies and Tax Hardships

The proposed development will pay for all required subdivision improvements including but not limited to the Highway 550 deceleration lane as required by CDOT; new water system improvements such as a new water tank to provide water and fire fighting capacity for the proposed 20 lots; new subdivision road and pedestrian path and other required infrastructure within the subdivision. The costs of all the required subdivision improvements for a small 20 lot subdivision are enormous, with the project engineers cost estimate of approximately \$1.9 million as shown in Exhibit L. This equates to an estimated per lot cost of \$93,283 not including the Applicant's provision of \$500,000 for affordable housing or the soft costs associated with the entitlement that are also getting to be very significant. The exceptionally high cost is the main reason that the proposed 20 lot density cannot be reduced and still have a financially viable project.

Project Information Table

Number of Single-family Lots	20
Estimated Water and Sewer Use Per Lot	450 GPD
Estimated Maximum Water and Sewer Use	9,000 GPD
Number of Bedrooms Per Unit	3
Total Bedrooms	60
Estimated Maximum Population	120 (2 persons per bedroom)
Parking Spaces Per Lot	2
Amount of Parking Provided in Garage Parking	2 garage spaces required by design guidelines
Amount of Required Parking (2 space per Lot)	40 spaces
Extra Parking	10 spaces
Estimated Subdivision Infrastructure Cost	\$1.9 million
General Land Use Divisions	Single-family homes
Dedication of Water Rights	No water rights are assigned to Lot 2
Public Use Areas	No public use areas proposed; 12.74 acres of dedicated open space



P.O. Box 8971
Phoenix, AZ 85068
(602) 881-1331

P.O. Box 185
Ridgway, CO 81432
(303) 626-5561

EXHIBIT A

June 16, 1994

City Council of Ridgway
P O Box 10
Ridgway CO 81432

Attention: Mayor Don Batchelder
Joyace Morrison
Barbara Cohen
Rex Freed

Charlene Kinney
Kathy Morlang
Dan Zaugg

Subject: Aventura Partnership Property
Pl. of SW1/4 SE1/4
4305-094-00-025

At a recent Ridgway Planning and Zoning Meeting, a representative for our Aventura Partnership submitted a proposed parcel subdivision in which we planned to split the approximate 38-acre site into a 4.50 lot and a 33.09 acre lot. Enclosed is a copy of our preliminary drawing.

Much to our surprise we were denied our application and were informed that we did not have the proper zoning for such a split. It appears that some time during the past, the City of Ridgway changed our zoning to FD (Future Development). This action by the City was taken without notification to the Aventura Partnership.

This property is located within the Vista Terrace subdivision, which originally consisted of 4 40-acre parcels. It is our understanding that the other three parcels are zoned R1. In conformity with the other parcels and with the overall intent of Vista Terrace subdivision, we respectfully request that our Aventura parcel be rezoned to R1 and our request for subdivision into Lots 1 and 2 be approved.

We currently have a sale pending for the 33.09 acre lot and would appreciate your expeditious handling of this matter. Please let me know what steps need to be taken. I may be reached as noted below:

Margaret McChesney
1515 East Sahuaro Drive #1
Phoenix, AZ 85020
602:944-6371 (just leave word on the answering machine and I'll respond)

We appreciate your help and efforts in this matter,

Margaret McChesney

This Agreement entered into this 4th day of

May, 1981, by and between the Town of
Ridgway, Colorado, (Town), and Evelyn G. Hasty, John McChesney,
M.W. Rowser, Sara A. Lesnefsky and Vista Terrace Developers, Inc.,

(Developers).

WHEREAS, Developers wish to be able to use the Town of
Ridgway treated water for purposes of their development on
land lying to the east of the Town of Ridgway, and

WHEREAS, the Town is willing to allow them to hook
onto the system in accordance with the terms and conditions
of this Agreement,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS
CONTAINED HEREIN, the parties agree as follows:

1. Developers shall construct a watermain 8" in diameter
in part and 6" in diameter in part, including fire hydrants,
in accordance with plans to be approved by the Town. Said
line, hydrants, and all facilities shall be constructed in
accordance with standard Town specifications similar to facilities
constructed by the Town.

2. The preferred route of the watermain extension is east
from the intersection of Highway 550 and Colorado 62 to the
Bovard property and then north to Developer's property. The
easterly segment will be 8" in diameter and the northerly seg-
ment may be 6" in diameter. The Town will assist Developers
in obtaining necessary easements and a contribution from
benefitted property owners to oversize the line from 6" to 8".
If such contributions are not obtained, the Town will reimburse
Developers for the cost of oversizing from the proceeds of sub-
sequent taps onto the line which are received within 10 years
of the date hereof, at the rate of \$200/tap, which may be
collected by the Town as a surcharge in subsequent tap fees.

3. The Town shall have the right to inspect such construction at all times, and may refuse to approve the line unless constructed fully in accordance with all Town specifications.

4. Any connections to the line may be made only after the tap is authorized by the Town and applicable tap fees are paid.

5. Following completion of the line, inspection by the Town, and acceptance by the Town of the line, such line shall become the property of the Town and Developers shall obtain and grant to the Town all necessary easements not previously obtained by the Town.

6. Following final inspection and acceptance by the Town in writing, Developers shall warranty the line and all other facilities constructed by them for a period of 1 year from that date, and shall cause any needed repairs to be made at their cost during that period of 1 year.

7. Developers are to annex land owned by them described as Vista Terrace Addition. Developers shall reimburse the Town for all costs incurred by the Town in annexing such property and in negotiating this agreement, including attorney's fees and expenses.

8. All connections and related service lines shall be made at the sole expense of the Developers subject to standard Town ordinances and regulations, and the Developers shall provide a meter approved by the Town for each connection which shall become the property of the Town at the time of the connection, subject to the 1 year warranty.

9. All users of water supplied through the line to be constructed herein shall be subject to the rates, terms, conditions and tap fees as may be determined and set from time to time by the Town by ordinances or as provided in other applicable regulations of the Town.

10. The Developers shall make a payment of \$10,000 to the Town as a prepayment toward sewer tap fees for sewer service to serve Vista Terrace Additions Nos. 1 thru 4. Any sewer tap made therein within 10 years hereof shall be entitled to a \$100 credit toward the tap fees from such prepayment. No refund shall be allowed if the \$10,000 is not entirely used at the end of the 10 year period.

11. The Town has no present plans to extend a sewermain to Developers' property and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewermain is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewerline and the owner of the building shall pay any connection and tap fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.

DATED the date above first written.

TOWN OF RIDGWAY, COLORADO

by A. J. McKenna
Mayor

ATTEST:

Tamara M. [Signature]
Town Clerk

DEVELOPERS

Frederic G. Hasty
John MacLennan
M. W. Rawser
[Signature]

McCHESNEY MINOR SUBDIVISION

SW1/4 SE1/4 SECTION 9, T45N, R8W, N.M.P.M.

TOWN OF RIDGWAY
OURAY COUNTY, COLORADO

EXHIBIT C

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	179.53°	2915.00'	625.97'	314.49'
C2	281.37°	245.00'	83.83'	25.87'
C3	91.40°	2915.00'	82.83'	46.32'
C4	12.92°	430.00'	117.17'	24.61'
C5	126.60°	400.00'	108.57'	54.79'
C6	109.50°	300.00'	100.79'	50.31'
C7	129.71°	230.00'	222.27'	120.85'
C8	129.71°	230.00'	193.74'	104.31'
C9	127.17°	170.00'	184.28'	83.18'
C10	149.40°	200.00'	193.74'	104.31'
C11	167.40°	400.00'	114.49'	57.84'
C12	169.40°	430.00'	123.08'	61.58'
C13	129.40°	160.00'	8.70'	4.35'
C14	129.40°	160.00'	8.70'	4.35'
C15	229.40°	150.00'	67.72'	34.47'
C16	229.40°	150.00'	67.72'	34.47'
C17	229.40°	150.00'	187.79'	119.38'
C18	229.40°	150.00'	174.40'	149.20'
C19	229.40°	150.00'	281.83'	178.89'
C20	229.40°	150.00'	113.83'	58.41'
C21	229.40°	150.00'	113.83'	58.41'
C22	229.40°	150.00'	97.89'	50.00'

Scale in feet
100 0 100 200

• = Set 18" X 5/8" Iron W/
1 1/2" Alum. Cap. L.S. 10738

Boats of Bearings & Coordinates =
Ouray County Control System

ROAD
2.02 ACRES
PREVIOUSLY
DEDICATED

LOT 2
33.09 ACRES

SW1/4 SE1/4

LOT 1
4.50 ACRES

EXISTING RESIDENCE
WITH WATER TAP AND
SEPTIC SYSTEM

VISTA TERRACE

VICINITY MAP
1-2000'

DEI-MONT CONSULTANTS, INC.
ENGINEERS & SURVEYORS
MONTROUSE, COLORADO - 974-244-2251

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that the undersigned being the owners of the SW1/4 SE1/4 Section 9 East of U.S. Hwy. No. 550, T45N, R8W, N.M.P.M., Town of Ridgway, Ouray County Colorado, have by three presents caused the same to be located, plotted and subdivided into lots, as shown on this plat, under the name and style of the McChesney Minor Subdivision.

Avenue, a Colorado Limited Partnership

Margaret M. McChesney Secretary
Margaret M. McChesney General Partner

STATE OF COLORADO
COUNTY OF BLAINE

The foregoing signatures were acknowledged before me this 10 day of October, A.D. 1994, by Margaret M. McChesney, General Partner(s) of McChesney Avenue, a Colorado Limited Partnership.

My commission expires, 12/2/98 Witness my hand and seal, Margaret M. McChesney
Notary Public
Address: P.O. Box 317 Montrose CO 81401

SURVEYORS CERTIFICATE

I, M. Smith, do hereby certify that I am a Registered Land Surveyor in the State of Colorado, and to the best of my knowledge there are no visible records, irrigation ditch encroachments or other visible encroachments existing on or across said property except as shown on this plat and that this plat accurately represents a survey made by me and conforms to the Town of Ridgway Subdivision Regulations and applicable state laws. I further certify that the monuments shown herein actually exist, and their positions are as shown.

ATTORNEYS CERTIFICATE

Charles E. Clement, an Attorney at Law, duly licensed to practice before the courts of the State of Colorado, do hereby certify that I have examined the title of all land hereinbefore plotted and shown upon the written plat and that the land is to each lot as in the partitioning, survey and plot of all signs and encroachments except as follows: Subdivision of McChesney Avenue, a Colorado Limited Partnership, into 33.09 acre lots and 4.50 acre lots, as shown on this plat, under the name and style of the McChesney Minor Subdivision, Avenue, a Colorado Limited Partnership.
Dated this 10 day of Oct, A.D. 1994, at Montrose, Colorado
Charles E. Clement Attorney at Law

APPROVAL OF PLANNING COMMISSION

Approved by the Ridgway Planning and Zoning Commission this 27 day of September, 1994.
John P. Smith
Chairman

APPROVAL OF BOARD OF TRUSTEES

Approved by the Ridgway Board of Trustees this 28 day of October, 1994.
John P. Smith
Mayor

APPROVAL OF TOWN ATTORNEY

Approved for recording this 10 day of Oct, 1994, by John P. Smith Town Attorney.
John P. Smith
Town Attorney

RECORDERS CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Ouray County, Colorado, on this 10 day of October, 1994, Book 10, Page 10.
Recognition No. 10738
Charles E. Clement Clerk and Recorder
Deputy



MEMORANDUM

TO: File

FROM: Greg Clifton, Town Manager
Joanne Fagan, Town Engineer

RE: Lot 2, McKesney Minor Subdivision

DATE: April 26, 2005

Numerous inquiries have been made regarding the property legally referred to as Lot 2, McKesney Minor Subdivision ("Property"). The Property adjoins the Vista Terrace Subdivision and is accessed by the same road. It is vacant land. This memo represents an effort to memorialize the Town's general responses to these inquiries, offering a summary of what infrastructure and land use considerations will likely be associated with development of the Property.

As a preface, it should be noted that while the Town recognizes and plans for growth within its boundaries, the Town's approach toward management of growth (of any kind - residential, commercial or industrial) remains squarely premised upon the notion that growth must pay its own way. The Town, with its limited resources and budget, adheres to this philosophy rigidly. The development of land within the Town boundaries will require all necessary utility and road infrastructure at the developer's cost, and pursuant to Town standards.

As a second note, this memo represents a mere summary of preliminary issues identified at the staff level based upon questions from the inquiring parties, and should not be considered a conclusive or binding representation of the Town at this time. Obviously, development of the Property will trigger a subdivision process that will entail public hearings before the Town Planning Commission and Town Council, and interested parties should give due regard to these processes and the various terms and conditions that may arise within these processes is well advised.

Zoning and Density

The Property is currently zoned 'R' Residential Zoning District. Minimum lot size is 10,000 sq ft. in this zone. Subdivision of the Property will need to be in accordance with the Town's subdivision regulations which include a number of design requirements and standards. The subdivision could be pursued under a Planned Unit Development (PUD) depending upon the developer's desire to vary dimensional criteria or the desire to have multiple buildings on a single lot or tract. The PUD process still triggers the need to have all subdivision requirements fulfilled, however.

The regulations require that all subdivision improvements be furnished as a condition of final plat. Improvements that are required include, but are not limited to water, sewer, phone, power, natural gas and street access to all lots. The streets shall include pavement, drainage, curb and gutter, and sidewalk. There are also some landscaping requirements which will either be triggered upon a multiple building site submittal (Planned Unit Development) or upon development of single family residences (Single Family Home Standards).

Highway Access

The Property presents some issues regarding highway access. As noted on the McKesney Minor Subdivision Plat, development of the Property will trigger improved access at the intersection of Highway 550 and Vista Terrace Drive. This is also noted within the Highway Access Permit as administered by the Colorado Dept of Transportation (CDOT).

This obligation is also plat noted in the Vista Terrace Subdivision Plat. While the obligation to improve the highway intersection will be triggered by new development, it is quite possible, and equitable, that the cost of the improvements be borne by all residents of Subdivision. The best means for this to occur is the implementation of a Local Improvement District that will encompass all properties served by the access. This is what was likely envisioned when the aforementioned plat notes were drawn. It is also a likely scenario considering that the highway access improvements would benefit only those residences that use the Vista Terrace access, as the access does not connect to other developments (it is a dead-end cul de sac). The Town will likely be involved in establishing the improvement district, and may be a minimal participant in the cost sharing of the actual improvements subject to Council approval.

Bear in mind that the complete development of the intersection was deferred by the initial developers of the Vista Terrace Subdivision years ago, with an understanding that the intersection would be improved at a later date by those landowners served by the access. Again, this is why the obligatory plat notes appear on the subdivision plats.

With regard to the nature of the improvements needed at the highway intersection, Town staff met with a CDOT engineer in March, 2005 to discuss likely needed improvements. In order to bring the access into compliance with State Access Regulations, the intersection will need to include acceleration, deceleration, and center turn lanes of lengths appropriate to the highway traffic speed. The current highway speed is 60 mph and unlikely to change any time soon. CDOT expressed some willingness to consider augmenting the existing A/D lane at the nearby Mall Road and re-align and offset the highway so that most of the additional width for the improvements would be constructed on the east side of the highway. This implies that widening the road may only need to occur on one side (east side) which would reduce the overall costs of the improvements and simplify the project somewhat. Whether there is sufficient space to accomplish that will not be known until CDOT reviews a sketch plan of the proposed improvements.

With regard to access in general, there have been several discussions regarding options for a secondary access to the Vista Terrace community from the nearby and adjoining Ridgway USA development (the property currently being re-subdivided under the name of "Ridgway Village"). Even if that access can be developed, it would be a supplement rather than a replacement for the existing highway access by Vista Terrace Drive. For planning purposes, the Vista Terrace Drive access should be considered the only viable route at this time.

Pavement and Related Street Improvements

While the existing roads within the Vista Terrace Subdivision are narrow and not paved, and lacking of sidewalk and storm water drainage improvements, such improvements are now part of the Town's Subdivision regulations. Consequently, any proposal to develop the Property would trigger such improvements within the development. That portion of Vista Terrace Drive that connects the Property to the highway access may also be subject to such improvements, but this is not a certainty. Discussion would be needed on this particular topic.

Water

The Vista Terrace development is served by Town water that is pumped to a storage facility above the development. There are two significant water issues: inadequate water storage and the pumping infrastructure that serves the development with water. The limited storage capacity means that there is insufficient storage available for domestic use for additional lots (additional to the Vista Terrace development) and that none of the Vista Terrace area has fire protection comparable to what is otherwise required by the Town. To remedy this problem will likely require construction of either a replacement or supplemental potable water storage tank in the immediate vicinity of the existing tank. It is estimated that the new tank will likely need a capacity of at least 100,000 gallons. The Town will require an additional easement to construct a tank of that size. In 2004, the estimated cost of such a tank was about \$150,000 for the tank and foundation, but excluding piping. Since that time, the cost of steel has risen considerably and local construction costs have also risen sharply. It is likely that today's cost for the tank and foundation will exceed \$200,000. The water capacity issue (and fire flow needs) represents a central concern related to the development of the Property from the staff perspective.

With regard to piping and pumping infrastructure, water is supplied to most of Vista Terrace through a two-pump system which is rapidly approaching its useful life. The two-pump system creates two pressure zones in the Vista Terrace subdivision. The Town hopes to replace the existing system with a single-pump system which would pump directly to a storage tank through a new transmission line. Flow from the tank to the residential units would be by gravity through the existing distribution lines and two new pressure regulating stations which would recreate the two pressure zones. Without having the benefit of a preliminary design, a rough cost estimate for this part of the water project was about \$250,000 in 2004, again prior to the recent jump in construction and materials costs.

The Town is currently engaged in a study to determine exactly what improvements are needed, and to better estimate the costs thereof. It is possible that the Town will be implementing the construction of such improvements within a two to three-year time frame absent any development proposals that might otherwise expedite the improvements through private capitalization. The Town has not yet discussed potential funding sources for the upgrades.

Water source from other providers (Tri County Water Conservancy District) are not a likely solution as the Property is within the Town boundaries and the Town has required that development within the Town be served by Town infrastructure, notably Town water, sewer and solid waste service. Consistent with this, the Town does not serve water outside of its corporate boundaries.

Town Water Capacity

The Town has available raw water to serve additional subdivisions within its corporate boundaries, but will need to increase its water treatment capacity in the near future. The Town is currently engaged in an in-house study to determine the scope of the needed treatment upgrades. It is possible that the Town will be implementing the construction of treatment upgrades or replacement within a two-year time frame.

Waste Water

Existing homes in the Vista Terrace Subdivision utilize individual septic systems. The Town Council would have to approve additional subdivision based upon such a treatment scenario, since connection to the Town centralized wastewater treatment is a requirement of subdivision. Extension of sewer infrastructure to the Property could likely be accomplished with existing easements and rights-of-way, but at considerable cost since the closest sewer main is in the neighboring Ridgway Village. The utility easements that do exist are narrow and not designed to facilitate sewer extension and may need to be enlarged. All sewage from the east side of the Uncompahgre River within the Town boundaries is pumped at least once to reach the waste water treatment facility. Currently, the Town is negotiating with the Ridgway Village developer and the developer of the proposed Marriott Fairfield facility to replace and relocate piping and pumping facilities so that a single station could lift the sewage as needed to reach the treatment plant. This new lift station will likely be oversized to accommodate the eventual connection to Vista Terrace and the Property. There will likely be a surcharge on sewer tap fees for each tap which utilizes the new lift station to help offset the initial capitalization by the Town.

If the Town was to approve individual septic systems within the Property, minimum lot size would need to be large enough to ensure room for residential structures, the initial septic system and a replacement system. The minimum lot size would be at least one acre, and possibly larger.



COLORADO

Parks and Wildlife

Department of Natural Resources

Unit Name (optional)
555 Street Address, Room 555
Denver, CO 55555-5555
P 111.222.2222 | F 111.222.2222

Chris Hawkins, AICP
Alpine Planning, LLC
PO Box 654
Ridgway, CO 81432
July 14, 2022

Dear Mr. Hawkins,

I receive the information you emailed to me regarding the proposed Four Winds Subdivision and I spoke with Eric Faust about the development. It is our understanding that the proposed subdivision will include 20 lots on 43 acres with 12.74 acres remaining in open space. The proposed subdivision is within Ridgway city limits and zoned as residential and future development.

This property lies within Colorado Parks and Wildlife (CPW) mapped elk and mule deer severe winter range and winter concentration area and adjacent to a black bear summer concentration area. The predominant habitat types on the property are pinon-juniper forest and sagebrush. The mule deer in the area of the proposed subdivision are managed by CPW as part of the Cimarron Mule Deer Herd (Data Analysis Unit or DAU D24) and the elk are managed as part of the Cimarron Elk Herd (DAU E35). Significant issues identified in the herd management plans include the diminishment of suitable winter range habitat due to land conversions and human development.

The following is directly from the Cimarron Mule Deer Management Plan: "Development fragments habitat in many ways. The addition of homes, out buildings, roads, artificial lights, and excess noise and traffic all reduce habitat connectivity for wildlife and limit effective habitat and carrying capacity for deer. Deer are better adapted to urban environments than other ungulate species, but studies have shown housing density (Vogel 1989) and human activity (Lewis et al. 2021) can alter deer behavior and avoidance, creating a loss of effective habitat, even if the habitat is not directly destroyed. Unfortunately, the majority of development in D-40 occurs in the lower elevations and valley bottoms, which is predominantly deer winter range."

In 2020, CPW released the Big Game Winter Range and Migration Corridors Status Report which identified development, including housing, urban, and ex-urban development (suburbs, villages, PUDs, condos, ranchettes) as a threat to big game winter range and migration corridors. Winter range the most important seasonal range that mule deer and elk occupy throughout the year but is often the range that is most limited in size of all the seasonal ranges (Vore 2012). While being the most important range for elk it is also the most heavily impacted by human development and recreation of all seasonal ranges due to its proximity to foothills, valley floors, and ultimately cities and towns

We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within



city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don't recommend perimeter lot fencing, especially in big game winter range, if it were ever allowed it should follow CPW's *Fencing with Wildlife in Mind* guidelines
- Containing dogs within fenced yard and/or dog run and requiring dogs to be kept on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures

There is no way to truly mitigate the loss of the winter range habitat but improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision.

Thank you for providing us an opportunity to comment. If you have any questions, you can reach me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6000.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Crane". The signature is fluid and cursive, with the first name "Kelly" and last name "Crane" clearly distinguishable.

Kelly Crane
District Wildlife Manager

LITERATURE CITED

- Big Game Winter Range and Migration Corridors (Colorado Parks and Wildlife). 2020 Status Report.
- Lewis, J. S., S. Spaulding, H. Swanson, W. Keeley, A. R. Gramza, S. VandeWoude, and K. R. Crooks. 2021. Human activity influences wildlife populations and activity patterns: implications for spatial and temporal refuges. *Ecosphere* 12: e03487.
- Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Elk Herd Management Plan (DAU E35). Montrose, Colorado, USA.
- Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Mule Deer Herd Management Plan (DAU D40). Montrose, Colorado, USA.
- Vogel, W. O. 1989. Response of deer to density and distribution of housing in Montana. *Wildlife Society Bulletin* 17:406-413.
- Vore, John. 2012. Big Game Winter Range Recommendations for Subdivision Development in Montana: Justification and Rationale. Montana Fish, Wildlife and Parks.

INTERGOVERNMENTAL AGREEMENT (IGA)

This Agreement effective this *26th* Day of *August*, 2002, between the Board of County Commissioners of Ouray County, Colorado, (the County) and the Town of Ridgway, Colorado (the Town).

WHEREAS, continued growth pressure in the Ridgway area suggests that increased coordination between the Town and the County can result in better management for directing growth to maintain the identity of the Ridgway Community, promote the efficient provision of public services (central sanitary sewer and water, streets, police protection and other services) and protect our open lands, agricultural lands and alpine lands; and

WHEREAS, the Town of Ridgway has adopted a Comprehensive Plan for the Ridgway Planning Area, which contains a Ridgway Urban Growth Boundary and includes consideration of areas found within the unincorporated areas of Ouray County; and

WHEREAS, the State of Colorado has authorized and encouraged local governments to cooperate with each other pursuant to CRS 29-20-105, CRS 29-1-203 and 31-23-227 and section 18(2)(a) and 2(b) of Article XIV of the Colorado Constitution; and

WHEREAS, pursuant to the Municipal Annexation Act of the State of Colorado, CRS 31-12-101 through 123, the Town has the authority to annex property; and

WHEREAS, under the authority granted by CRS Title 29, Article 20, a committee jointly appointed by the Board of County Commissioners of Ouray County and the Ridgway Town Council with the intent of reaching agreement as to development goals and policies within the greater Ridgway urban area held several meetings; and

WHEREAS, pursuant to said meetings the Town and County agreed to the following goals, purposes and policies to be applied to the unincorporated portion of Ouray County defined herein as the Ridgway Urban Growth Management Area and the Ridgway Area of Influence.

Goals

The agreement will be a tool:

1. To direct growth, not simply manage growth in that area surrounding the Town of Ridgway as defined in the Urban Growth Management Area.
2. To consider urban development only where the full range of urban public services can be provided within the Area of Influence and within the Urban Growth Management Area.

3. To influence urban development so that it occurs within or will be annexed into the Town of Ridgway.
4. To protect visual corridors and in so doing retain community identity.
5. To preserve open lands, alpine lands and agricultural land uses around urban areas.
6. To preserve natural areas such as streams, canyons, wetlands, wildlife habitat, alpine lands, wildlife corridors, riparian habitats and other lands.
7. To advise, consult and involve in the planning activities the owners of private property affected by these agreements.
8. To define in part by this IGA what the appropriate economic role for the County and Town will be.

Section 1. Purposes

The purposes of this Intergovernmental Agreement are as follows:

- a. Establish a process of inter jurisdictional cooperation in order to manage land uses,
- b. Designate areas of urban development and direct growth to these areas,
- c. Preserve open lands, alpine lands, wildlife corridors and agricultural lands,
- d. Protect the community identities of the Town of Ridgway and Ouray County, and
- e. Consider unincorporated land for commercial development only when it complements the existing commercial lands in the Town.

Section 2. Definitions

2.1 Agricultural Lands.

Lands assessed at agricultural values for five years or more or land irrigated within the last five years.

2.2 Alpine Lands.

Those higher altitude lands as defined in the Ouray County Land Use Code.

2.3 Development, Development Application or Development Proposal.

Any human-made change to improved or unimproved real estate including, but not limited to, building or other structures, changes in use, mining, dredging, filling, grading, paving, excavations or drilling operations, except uses by right of the appropriate county zones, site development permits and visual impact reviews.

2.4 Ridgway Area of Influence.

An area of unincorporated land outside the Urban Growth Management Area, mutually designated by Ouray County and the Town of Ridgway, wherein any development or land use activity that will have impact upon the above stated goals and purposes and which bears a relation to the planning of the area within the municipality, should, to the extent possible, be reviewed by Ouray County with participation by the Town in the review and recommendations.

2.5 Open Lands.

A parcel or area of land that is unimproved which may be in public or private ownership. The lands may have scenic, agricultural or wildlife value, present recreational opportunities or include historic landscapes. The parcels may contain significant natural features such as flood plain, steep topography, waterways or rock outcroppings.

2.6 Ridgway Urban Growth Boundary.

A line jointly adopted by the Town of Ridgway and Ouray County that encircles the Town of Ridgway and separates rural and urban development. The line marks the boundary of the Urban Growth Management Area.

2.7 Urban Development.

Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. In the Town of Ridgway, these standards are outlined in the Ridgway Municipal Code. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services which are typically provided by cities.

2.8 Urban Growth Management Area (UGMA)

The unincorporated area within the Ridgway Planning Area in which urban development may be allowed when annexed to the Town of Ridgway, and is in conformance with the Ridgway Municipal Code and Ridgway Comprehensive Plan. The UGMA for Ridgway includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban development.

Section 3. Policies

3.1 The Town and County shall establish an Urban Growth Management Area (UGMA) surrounding the Town of Ridgway and mutually agree that said area is appropriate for the

location and development of urban development within the parameters set forth in the Ridgway Municipal Code and Ridgway Comprehensive Plan.

3.2 The policy of the Town is to consider the annexation of all properties within the unincorporated area of the UGMA as a condition of approval of a development application or when said property becomes eligible for annexation.

3.3 The Town agrees not to annex property outside the UGMA without first amending the UGMA boundary through the established amendment procedure as provided by in this agreement

3.4 The Town and County shall establish an Area of Influence surrounding the Town, but outside the UGMA, wherein developments which will have impact upon the above stated goals and purposes and bear relation to the planning and development of the Town, are reviewed according to the Ouray County Land Use Code as it pertains to the Area of Influence.

3.5 Development, other than uses by right, is permitted to take place within the Area of Influence only with the recommendation of the Ridgway Area Joint Planning Board and approved by the Ouray Board of County Commissioners.

3.6 The Town and County do herein agree to establish a combined Town and County Joint Planning Board, called the Ridgway Area Joint Planning Board, to review and provide recommendations to the Board of County Commissioners on all development proposals within the Ridgway Area of Influence and the Ridgway UGMA which are subject to this agreement. Regarding review of such development proposals, said Board will replace all current boards such as the Ouray County Planning Commission. The objectives of the Ridgway Area Joint Planning Board are to provide for consistent interpretation of the goals, policies and design standards as set forth in the Ouray County Land Use Code and other provisions of the IGA. The Ridgway Area Joint Planning Board will be an official Ouray County advisory board.

Section 4. Agreements.

4.1 Establishment of the Urban Growth Management Area and Overlay Zone.

There is hereby established an Urban Growth Management Area (UGMA) and a Ridgway Urban Growth Boundary surrounding the Town of Ridgway. Ouray County will amend its official zoning map to reflect the UGMA District as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and Town agree to follow the policies and guidelines included in the Amendments to the Ouray County Land Use Code Exhibit B, C, D and E (attached hereto and by this reference made a part hereof).

4.2 Establishment of the Ridgway Area of Influence and Area of Influence Overlay Zone.

There is hereby established an Area of Influence surrounding the Town of Ridgway, but outside the UGMA. Ouray County shall amend its official zoning map to reflect the Area of Influence as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and Town agree to follow the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibits B, C, D and E (attached hereto and by this reference made a part hereof). The Town and County agree that until a Town annexation plan exists, the Ouray County Master Plan shall apply.

4.3 Establishment of the Ridgway Area Joint Planning Board.

There is hereby established a Ridgway Area Joint Planning Board to act as the recommending body to the Ouray County Board of County Commissioners concerning all development applications for properties, except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County land use code, which are subject to this agreement, located within the unincorporated Ridgway Area of Influence and Ridgway UGMA, subject to the provisions of 4.4 D. of this Agreement. This board shall consist of the five members of the Ouray County Planning Commission and three members appointed by the Ridgway Town Council from the Ridgway Town Planning Commission or their appointees and approved by the Ouray County Board of County Commissioners. Minority opinions from the Joint Planning Board are encouraged. The Ridgway Area Joint Planning Board will be considered an Ouray County advisory board and will operate pursuant to the procedures set forth in the County Land Use Code and Exhibit E, the bylaws of the Ridgway Area Joint Planning Board (attached hereto).

The Town agrees that after review of development proposals for the Area of Influence and UGMA subject to the provisions of 4.4 D. of this Agreement, by the Ridgway Area Joint Planning Board the recommendation for approval, approval with conditions, or disapproval is forwarded to the Ouray County Board of County Commissioners. Final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

4.4 Development Proposals within the UGMA.

A. Upon receipt of any proposal for development of property within the Ridgway UGMA, except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County Land Use Code, the County will notify the proponent that they should file application with the Town.

The applicant shall apply to the Town for annexation and development of the subject property and shall agree to annex the property to the Town, pursuant to an annexation agreement with the landowner, with terms that will conform to the Ridgway Municipal Code and Comprehensive Plan.

B. The Town will consider all petitions for annexation of lands within the UGMA and will not decline to annex such property except for good cause. For the purposes of this

Section, good cause includes without limitation the following: (i) extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself; (ii) the area is not contiguous to the Town's existing boundaries; (iii) the development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined in the Ridgway Comprehensive Plan-Land Use Element.

C. To the extent legally possible within the UGMA, the Town will annex the full width of each County road ROW adjacent to newly annexed property. However, the Town may choose to exclude specific sections of right-of-way to preserve opportunities for future contiguity. The Town shall not eliminate existing accesses or discriminate against access from properties which are not within the Town.

D. If the Town declines to annex a development proposal within the UGMA, the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibit B and C, (attached hereto) will apply. The Town agrees to review development proposals in a timely manner.

E. Unless waived by the Town, all development applications within the UGMA will conform to the Ridgway Municipal Code and Comprehensive Plan.

4.5 Development within the Area of Influence.

A. The Ridgway Area of Influence is an area of unincorporated land outside the Ridgway UGMA, mutually designated by Ouray County and the Town of Ridgway, wherein any proposed development or land use activity which will have impact upon the above stated goals and purposes and bear relation to the planning of the area within the municipalities, should, to the extent possible, be reviewed by the Town of Ridgway with the opportunity to make recommendations to the County.

B. Any use by right as listed in the Ouray County Land Use Code and not requiring further review (excluding the County Building Official) shall be allowed regardless of any provisions of this Agreement. The Ridgway Area Joint Planning Board shall review any use, other than a use by right, zoning change, site development permits and visual impact reviews, which requires review according to the Ouray County Land Use Code for the Area of Influence pursuant to Sections 4.2, 4.3 and 4.4 of this Agreement.

C. Upon receipt of a development application for property within the Ridgway Area of Influence, the County will present the application to the Ridgway Area Joint Planning Board. The Planning Board will evaluate the application according to the Ouray County Land Use Code with reference to Exhibit B, Overlay Zone and Exhibit C, Section 5 of the Ouray County Land Use Code, and make recommendations to the Board of County Commissioners.

D. The Town agrees that after review of development proposals by the Ridgway Area

Joint Planning Board and the recommendations for approval, approval with conditions, or disapproval shall be forwarded to the Ouray County Board of County Commissioners and that final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

E. To ease the review of development proposals before the Ridgway Area Joint Planning Board, the County staff will prepare reports and forward these reports in a timely manner to the Town in advance of the meeting.

4.6 Amendments to the Ridgway Urban Growth Boundary, the Ridgway Area of Influence Boundary and other Sections of this Agreement

The Town and the County agree that amendments to the UGMA Boundary shall be according to the following procedures and requirements.

A. The Town of Ridgway, Ouray County or any individual or entity may request an amendment to the Urban Growth Boundary, the Area of Influence Boundary or other Sections of the Agreement

B. The request shall be forwarded to the Ridgway Town Council and the Ouray County Commissioners for their review. The Urban Growth Boundary, Area of Influence Boundary or other Sections of this Agreement shall be amended only with the approval of the Town and the County, after following Town and County Procedures.

C. The amended Urban Growth Boundary, Area of Influence Boundary or Section shall be in writing, if appropriate, and be shown, on Exhibit A of this Agreement. The amendment shall be signed and dated by the Mayor of the Town and the Chair of the Ouray County Commissioners.

4.7 Enforcement

It is the intent of the Town and County that this Agreement is binding upon both the Town and the County, and that either party hereto shall be permitted to specifically enforce any provision of this agreement in a Court of competent jurisdiction.


4.8 Term

The Intergovernmental Agreement will remain in force and effect for an initial term of five years from the date of its execution. Subsequent to the initial term, this Agreement will be automatically renewed for successive five-year terms unless at least six months before its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. In addition, the elected Town and County officials agree to a biennial review of all elements of this Agreement and shall prepare a joint staff report to the respective legislative bodies.

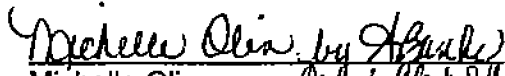
4.9 Prior Termination.

The County will notify the Town of Ridgway of any proposed or adopted amendments to Exhibits A, B, C, D and E, or to other provisions of County Land Use and zoning regulations, including uses by right. If any such amendment undermines the usefulness of this Agreement in the opinion of the Town of Ridgway, it may terminate this agreement within 60 days written notice to the County.

BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY, COLORADO


Bill Ferguson, Chairman

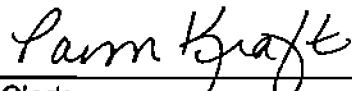
ATTEST:


Michelle Olin, *Deputy Clerk of the Board*
County Clerk and Recorder

TOWN COUNCIL, TOWN OF RIDGWAY,
COLORADO


Pat Willits, Mayor

ATTEST:


Pam Kraft
City Clerk

EXHIBITS

1. Exhibit A. Official Zoning Map delineating the Urban Growth Management Area and Area of Influence.
2. Exhibit B. Overlay Zones.
3. Exhibit C. Section 5, Ouray County Land Use Code-Uses Allowed by Special Use of Permit.
4. Exhibit D. Section 19.9, Ouray County Land Use Code-Joint Planning Boards.
5. Exhibit E. Bylaws of the Ridgway Area Joint Planning Board.

Ouray County Zoning

Legend

- Parcels
- Zoning
- Urban Growth Management Area (UGMA)
- Area of Influence (AOL)
- County Boundary



July 23, 2002

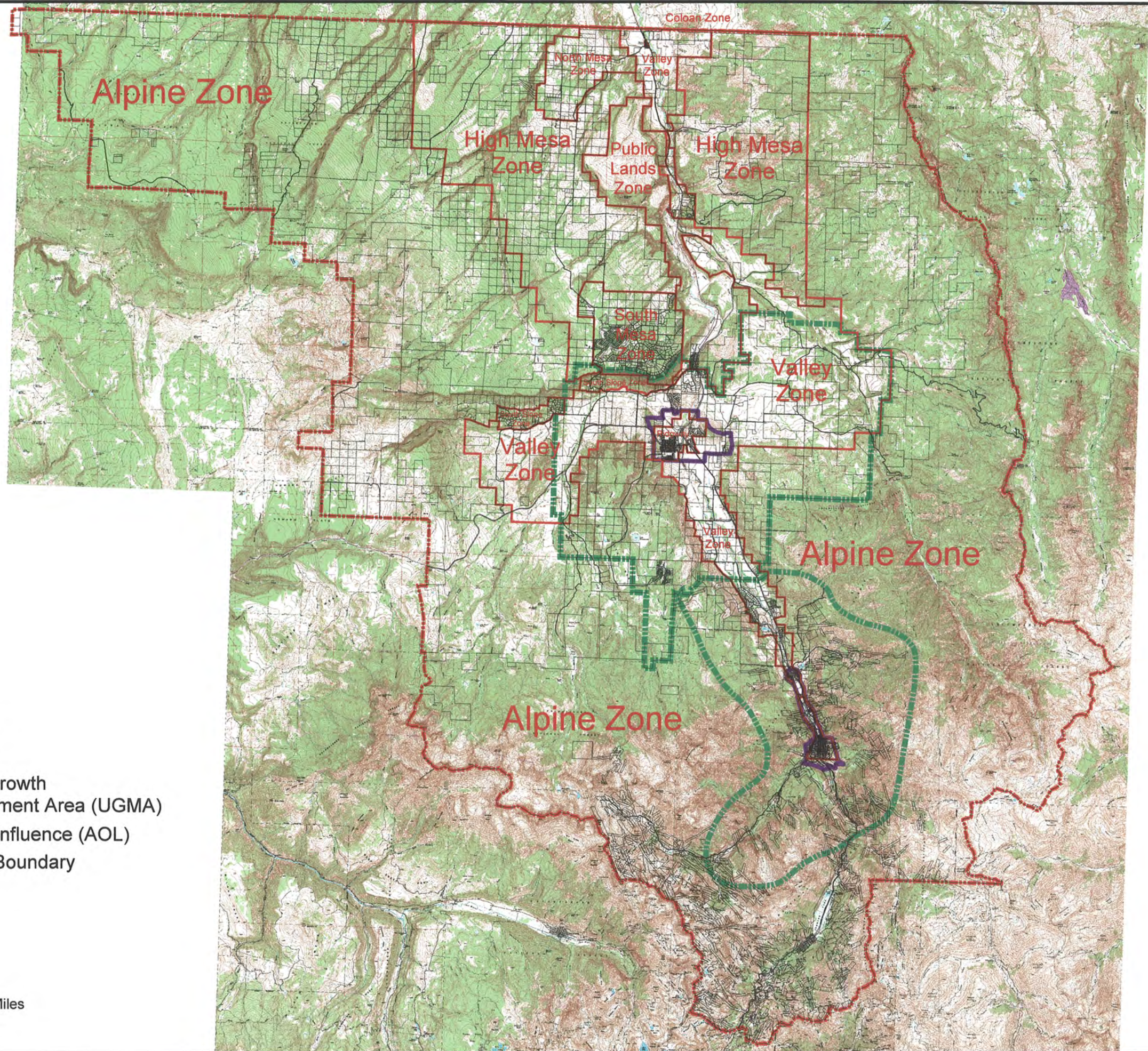
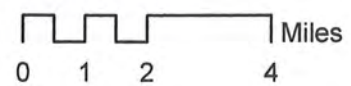


Exhibit "B"

3.5 OVERLAY DISTRICTS

A. Intent and purpose: Due to continued growth pressures, there is an increased need for coordination between the Municipalities and the County to promote the efficient use of services and protection of open lands, agricultural lands, alpine lands and community identities. It is therefore the intent and purpose of the Overlay Districts to establish districts and create a process to jointly review development on unincorporated property surrounding the Town of Ridgway and the City of Ouray.

B. Definitions:

1. Area of Influence (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

2. Urban Development. Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.

3. Urban Growth Management Area (UGMA). An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

C. Establishment of Overlay Districts: The following Overlay Districts are hereby established:

1. The Ridgway Urban Growth Management Area.
2. The Ridgway Area of Influence
3. The Ouray Urban Growth Management Area
4. The Ouray Area of Influence

D. Overlay Districts: All Overlay Districts shall be designated on the "Official Zoning Map of Ouray County" which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

Exhibit "B"

E. District Uses and Requirements.

1. Within the Ridgway Area of Influence and the Ouray Area of Influence, the following uses are allowed:

- a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
- b. Uses allowed by special use permit and Planned Unit Developments within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

2. Within the Ridgway Urban Growth Management Area and the Ouray Urban Growth Management Area, the following uses are allowed:

- a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
- b. Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall first be considered for annexation by the adjoining municipality prior to submittal of an application to the County Land Use Office.

1. The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:

- a. Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.
- b. The area is not contiguous to the municipality's existing boundaries.
- c. The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.

2. If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the Ouray County Land Use Office. Depending upon the request, the application shall

Exhibit "B"

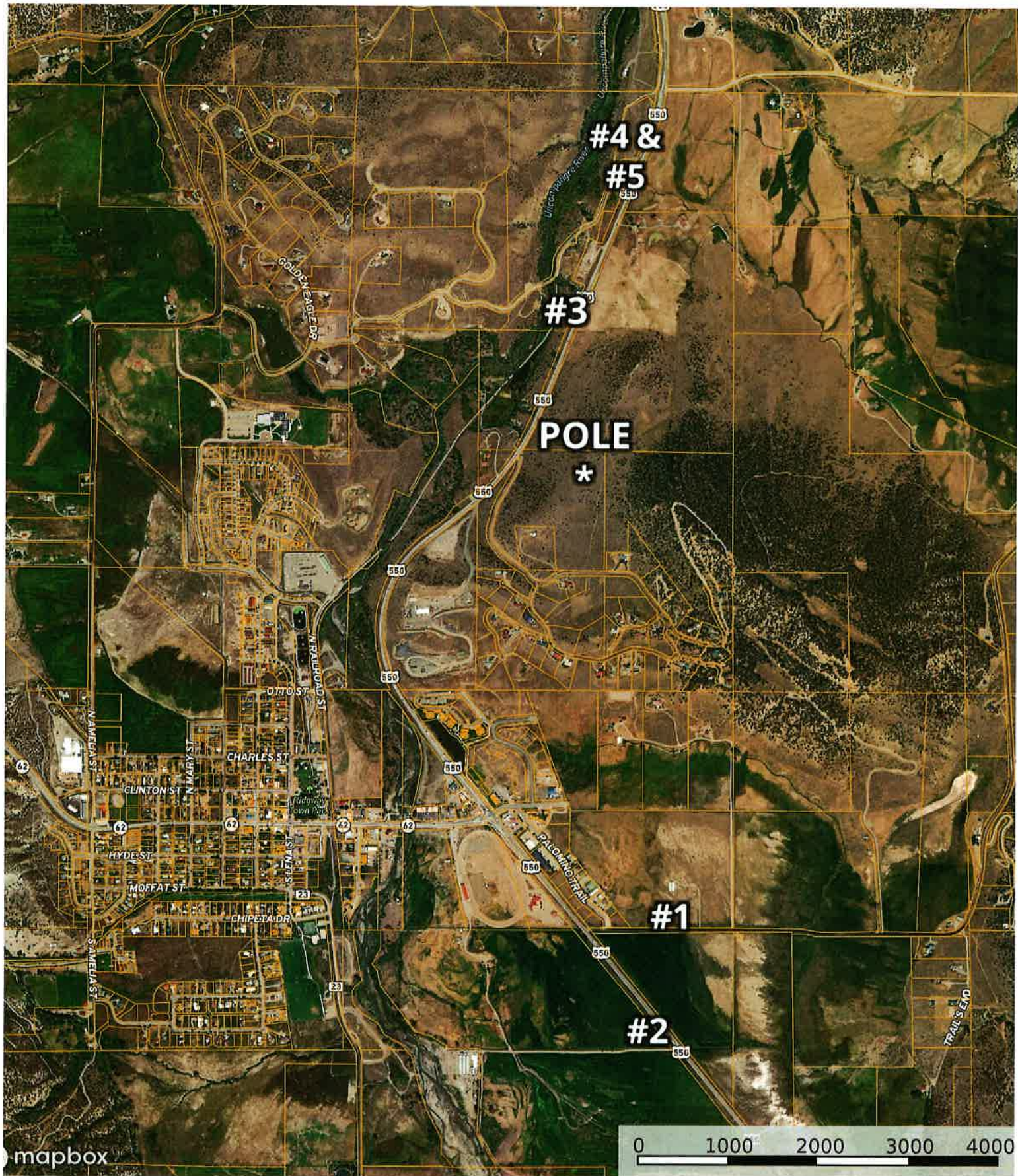
include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

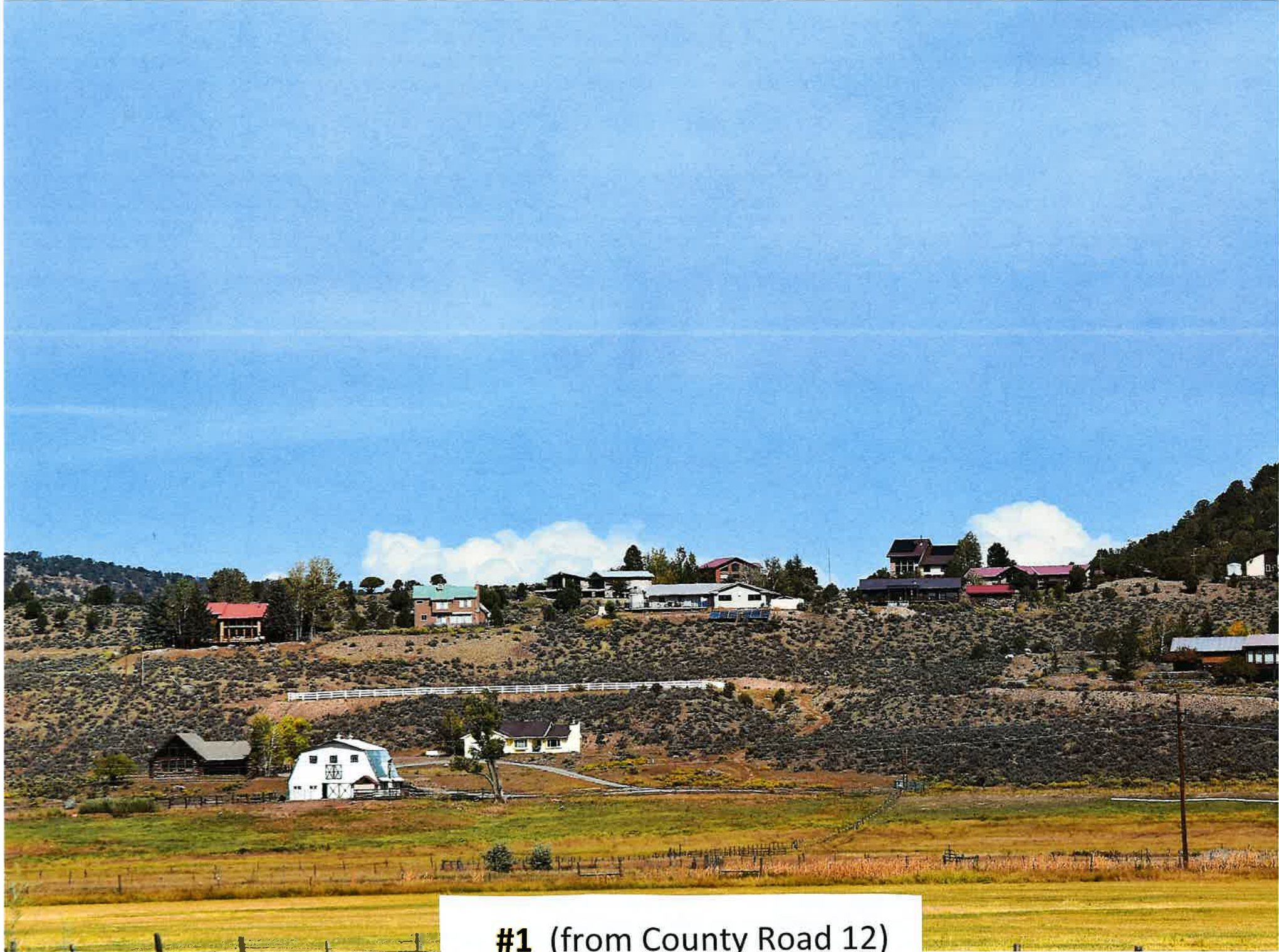
G. Development Review – Area of Influence. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall be submitted to the Ouray County Land Use Office and shall follow the requirements, standards and processes as set forth and outlined under the various sections of this Code.

H. Joint Planning Boards. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an Urban Growth Management Area or an Area of Influence shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the Board of County Commissioners.

1. When a request is located within the Ridgway Urban Growth Management Area or the Ridgway Area of Influence, the Ridgway Area Joint Planning Board shall review the application.

2. When a request is located within the Ouray Urban Growth Management Area or the Ouray Area of Influence, the Ouray Area Joint Planning Board shall review the application.

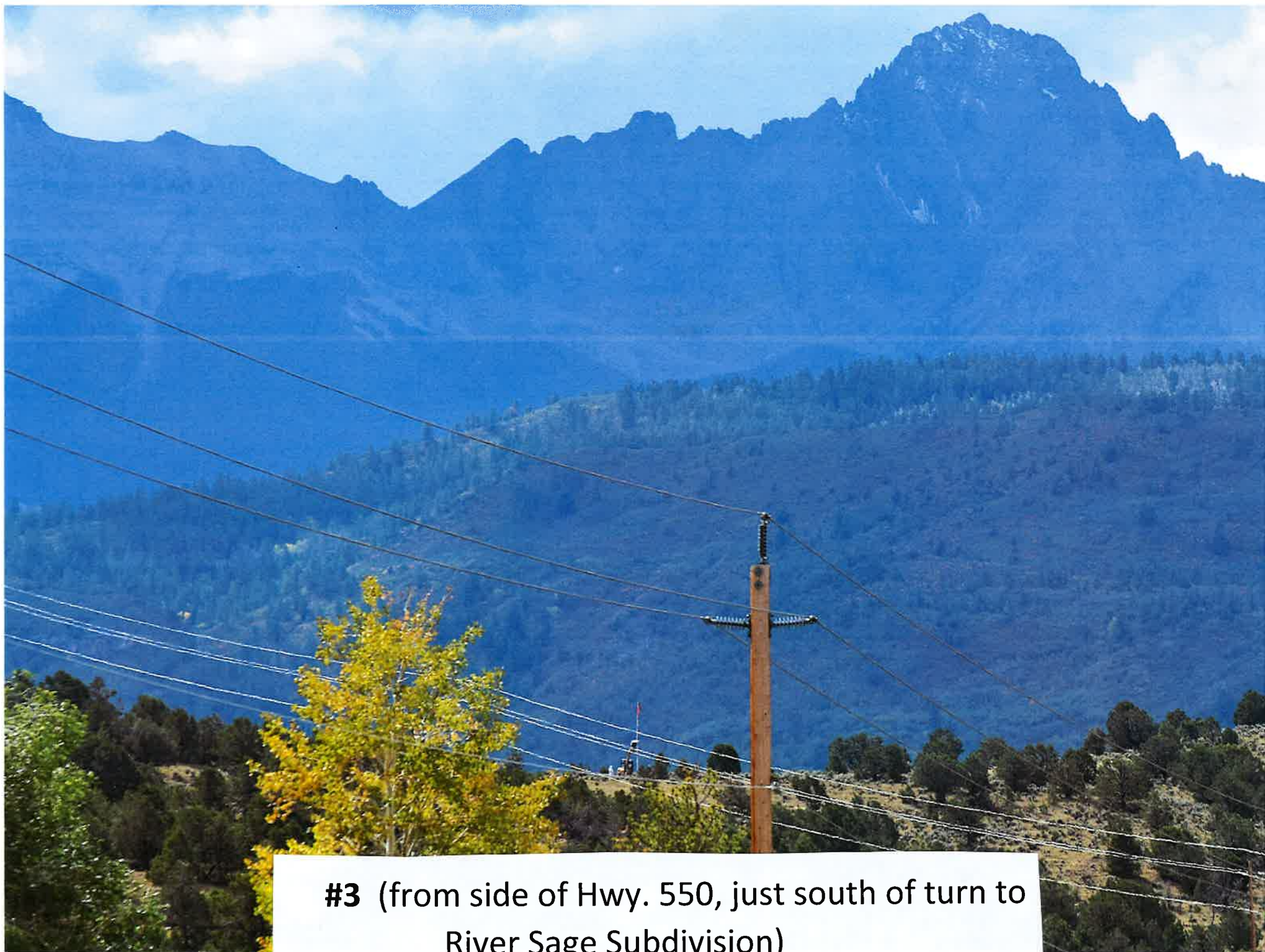




#1 (from County Road 12)



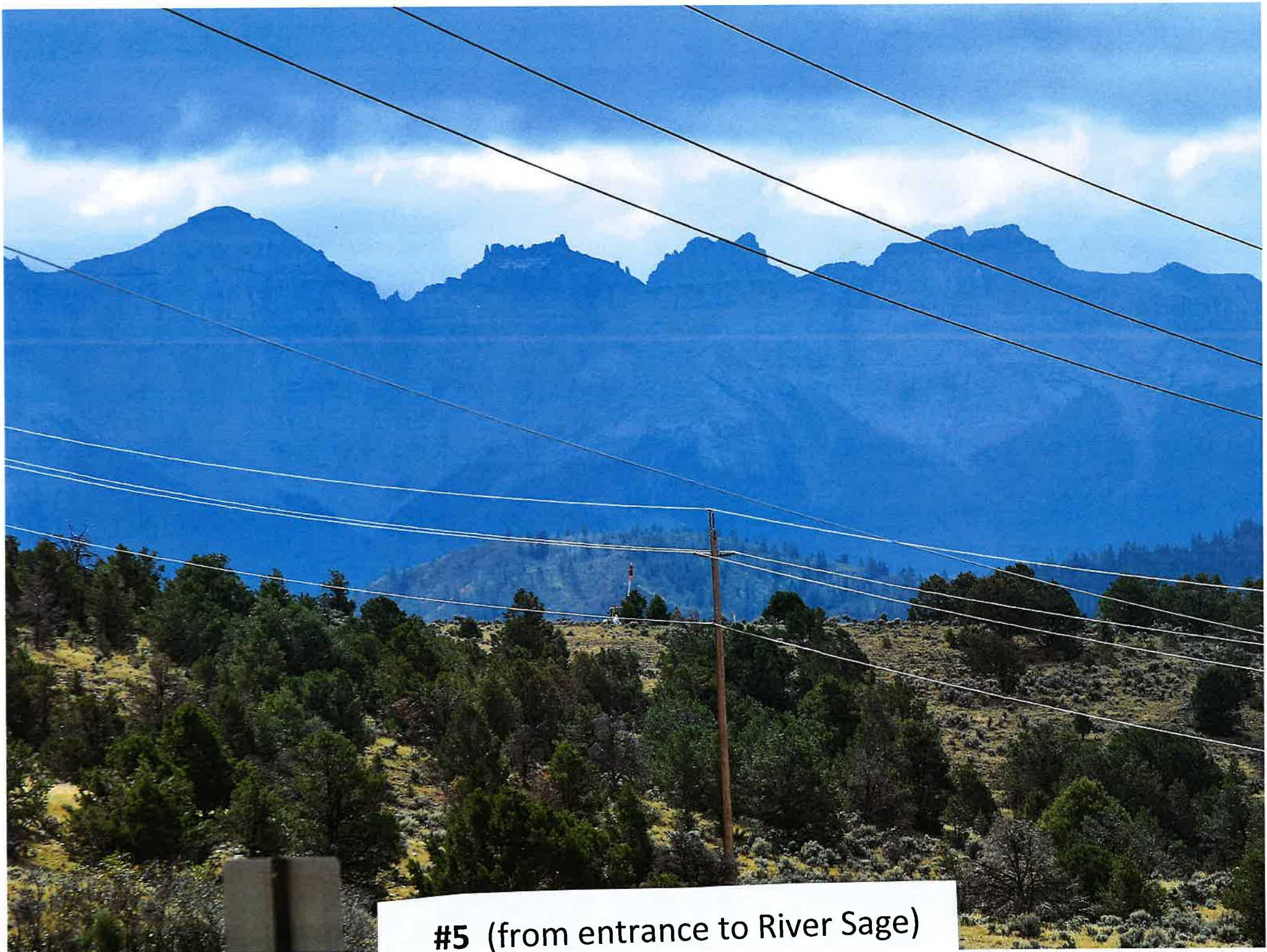
#2 (from Hwy. 550 at Fisher Ranch turn)



#3 (from side of Hwy. 550, just south of turn to
River Sage Subdivision)



#4 (from entrance to River Sage)



#5 (from entrance to River Sage)



November 9, 2022

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: OWTS FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of On-Site Wastewater Treatment System (OWTS) design and installation for the proposed 20-lot Four Winds subdivision in Ridgway, Colorado. As you know, we observed the excavation of four (4) representative test pits on the property on September 28, 2022. In addition to the visual/tactile observation of the soils in these pits, we also performed laboratory hydrometer testing, per ASTM D-7928, to confirm the soil type on the USDA soil triangle. All four soil samples are considered "Loam" which corresponds to soil types 2 and 3 in Table 10 of the 2018 CDPHE OWTS Regulation 43 specifications. These soil types should provide long term acceptance rates (LTAR) from 0.5 to 0.6 gallons per square foot per day and should be considered acceptable for OWTS installation. The soils in Test Pit #4 contained greater than 35% rock which would probably require installation of 2-feet of imported sand and pressure dosing per Table 10A of Regulation 43 for Type R-1 soils if those conditions were consistent for that lot. All other soils examined contained less than 35% rock and would generally not require replacement sand media or pressure dosing if those conditions remained constant for that particular lot. Detailed test pit logs, laboratory test results and a reference map are appended to this report.

Please note, this report does not constitute design of an OWTS system. Per current Regulation 43 and Ouray County standards, each of the 20 lots would require design of an OWTS system, by a registered Colorado professional engineer, per the design criteria for a proposed residence and using soils data generated specifically from that lot. This report is intended to indicate the feasibility of OWTS design and installation and the apparent capability of the site soils to provide adequate long term acceptance rates and percolation for sewage effluent treatment and distribution.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,

A handwritten signature in blue ink that reads "Daniel C. Quigley".

Daniel C. Quigley, P.E.
Project Engineer

Attachments: Test pit location map, test pit logs, laboratory test results



TEST PIT LOG - TEST PIT #1 (TP#1)

TEST PIT LOCATION: North end between Lots 9 and 10

EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with <30% rock (rounded cobbles); soil type 2 (1-8')	
2			X	GS-01		GS-01 @1.5-2' gravel=17.9% sand=39.9% silt=31.0% clay=11.2%
3						
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT LOG	FIELD STAFF	DCQ
1	DRAFTING STAFF	ML
of 4	FIELD DATE	9/28/2022
	PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #2 (TP#2)

TEST PIT LOCATION: 120' East of Lots 17/18/19/20 corner

EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, clay LOAM with <30% rock ; soil type 3 (1-7')	
2			X	GS-02		<u>GS-02 @1.5-2'</u> gravel=22.3% sand=36.1% silt=26.4% clay=15.2%
3					Caliche at 3-4'	
4						
5						
6						
7					stopped excavation at 7' in rock; mini ex couldn't excavate no groundwater encountered	
8						

TEST PIT
LOG
2
of 4

FIELD STAFF	DCQ
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #3 (TP#3)

TEST PIT LOCATION: Centerline of road between Lots 6 and 7











EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with >35% rock (in caliche) ; soil type 1 (1-8')	
2						
3				GS-03		GS-03 @2.5-3' gravel=16.1% sand=39.5% silt=28.8% clay=15.6%
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT LOG	FIELD STAFF	DCQ
3	DRAFTING STAFF	ML
of 4	FIELD DATE	9/28/2022
	PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #4 (TP#4)

TEST PIT LOCATION: Future road centerline between lots


EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, TOPSOIL with roots (0-1')	
1					tan, sandy, clay LOAM with >35% rock (in caliche) ; soil type R1 (1-3')	
2			X	GS-04		<u>GS-04 @1.5-2'</u> gravel=20.3% sand=35.2% silt=25.6% clay=18.9%
3					tan, dry, sandy LOAM with >35% rock ; soil type R1 (3-8') More difficult digging	
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT
LOG
4
of 4

FIELD STAFF	DCO
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

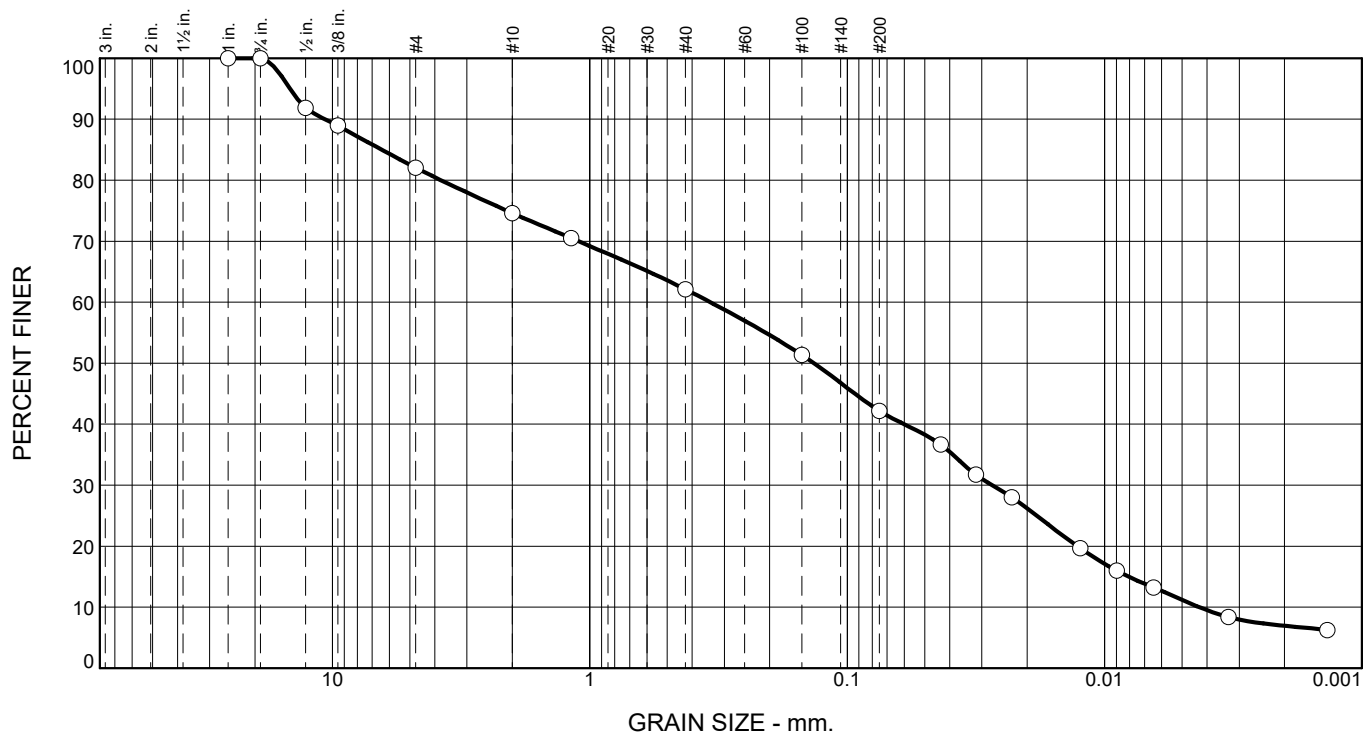
FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	17.9	7.5	12.5	19.9	31.0	11.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	100.0		
1/2"	91.9		
3/8"	88.9		
#4	82.1		
#10	74.6		
#16	70.5		
#40	62.1		
#100	51.3		
#200	42.2		
0.0433 mm.	36.7		
0.0316 mm.	31.7		
0.0229 mm.	28.0		
0.0124 mm.	19.7		
0.0090 mm.	16.0		
0.0064 mm.	13.2		
0.0033 mm.	8.4		
0.0014 mm.	6.2		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 10.7193 D₈₅= 6.4411

D₆₀= 0.3403 D₅₀= 0.1347

D₃₀= 0.0274 D₁₅= 0.0081

D₁₀= 0.0043

C_u= 79.39 C_c= 0.51

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#1
Sample Number: GS-01

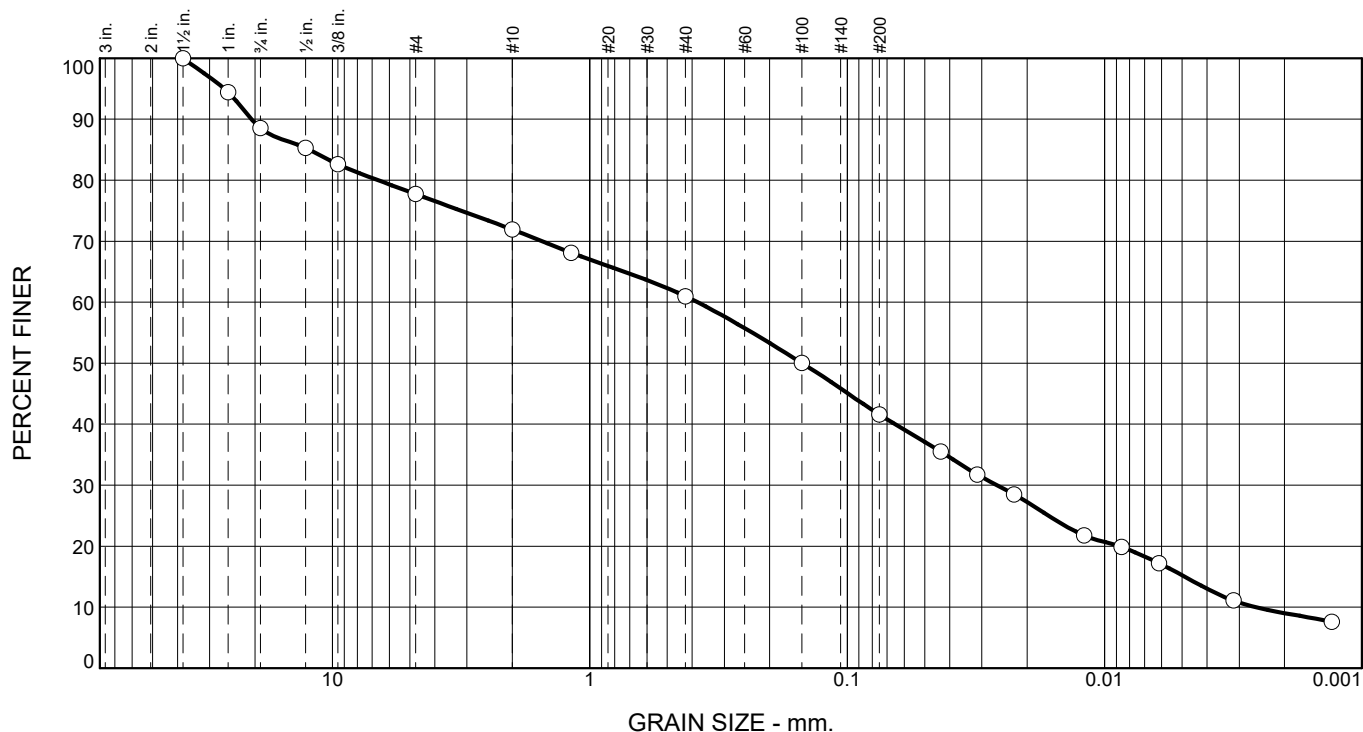
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	11.5	10.8	5.8	10.9	19.4	26.4	15.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1.5"	100.0		
1"	94.4		
3/4"	88.5		
1/2"	85.3		
3/8"	82.6		
#4	77.7		
#10	71.9		
#16	68.1		
#40	61.0		
#100	50.0		
#200	41.6		
0.0433 mm.	35.5		
0.0312 mm.	31.7		
0.0225 mm.	28.5		
0.0120 mm.	21.8		
0.0086 mm.	19.9		
0.0061 mm.	17.2		
0.0032 mm.	11.1		
0.0013 mm.	7.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 20.6768 D₈₅= 12.2820

D₆₀= 0.3819 D₅₀= 0.1496

D₃₀= 0.0262 D₁₅= 0.0049

D₁₀= 0.0026

C_u= 147.17 C_c= 0.70

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#2
Sample Number: GS-02

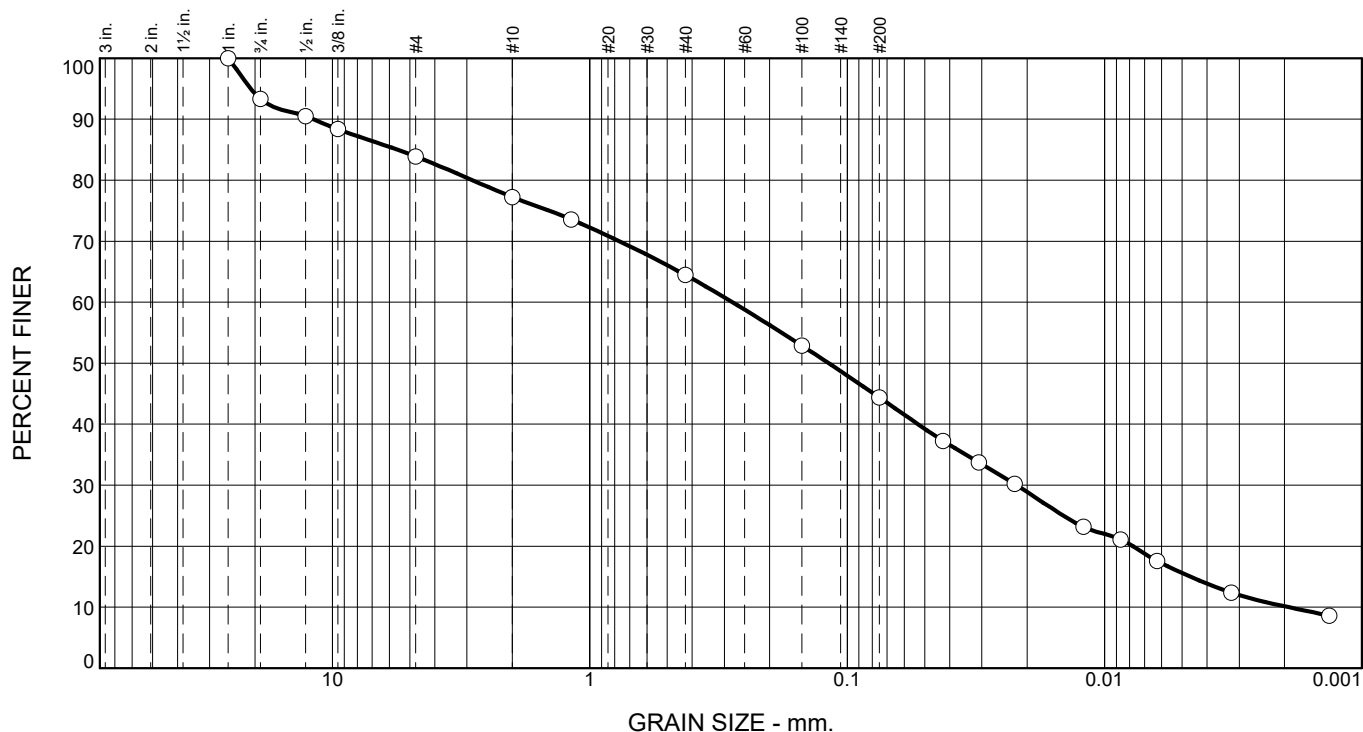
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	6.7	9.4	6.7	12.7	20.1	28.8	15.6

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	93.3		
1/2"	90.5		
3/8"	88.4		
#4	83.9		
#10	77.2		
#16	73.6		
#40	64.5		
#100	52.9		
#200	44.4		
0.0424 mm.	37.2		
0.0308 mm.	33.7		
0.0223 mm.	30.2		
0.0121 mm.	23.1		
0.0087 mm.	21.1		
0.0063 mm.	17.6		
0.0032 mm.	12.4		
0.0013 mm.	8.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 11.9112 D₈₅= 5.5984

D₆₀= 0.2790 D₅₀= 0.1181

D₃₀= 0.0219 D₁₅= 0.0047

D₁₀= 0.0019

C_u= 144.92 C_c= 0.89

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#3
Sample Number: GS-03

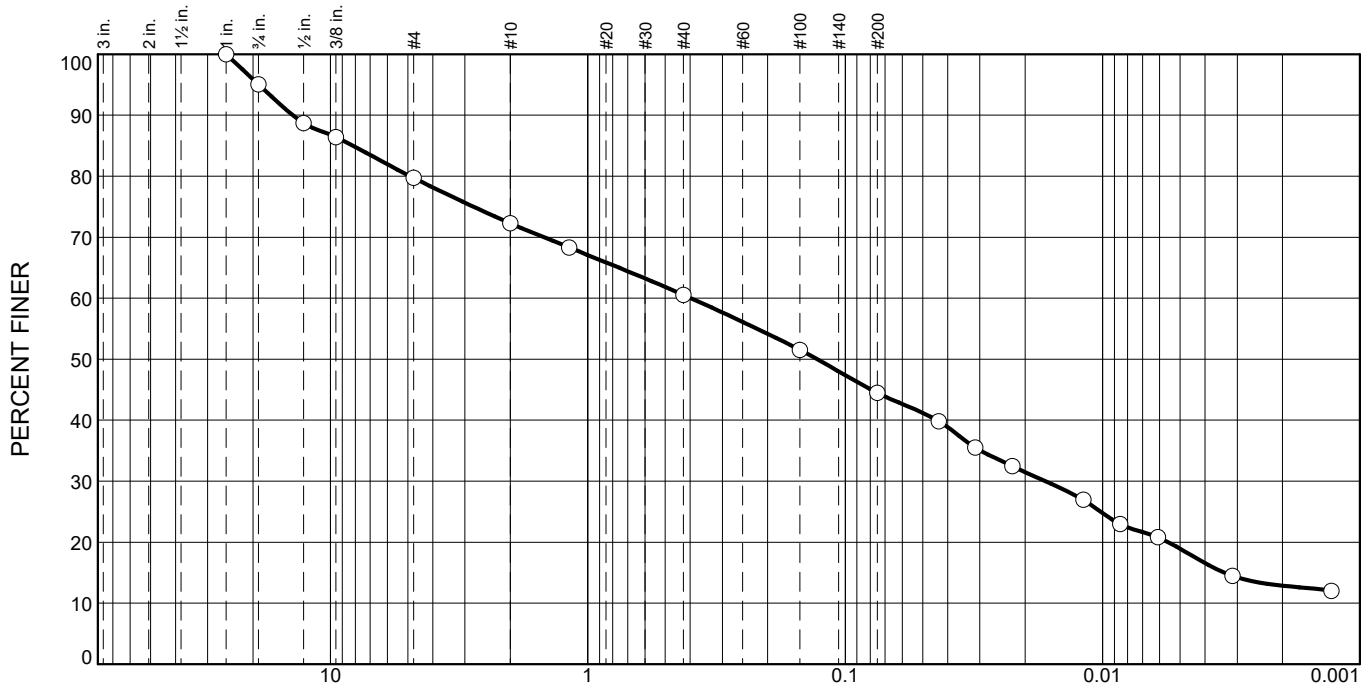
Depth: 2.5-3'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	4.9	15.4	7.4	11.8	16.0	25.6	18.9

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	95.1		
1/2"	88.7		
3/8"	86.4		
#4	79.7		
#10	72.3		
#16	68.3		
#40	60.5		
#100	51.5		
#200	44.5		
0.0433 mm.	39.8		
0.0313 mm.	35.5		
0.0224 mm.	32.5		
0.0119 mm.	26.9		
0.0086 mm.	23.0		
0.0061 mm.	20.8		
0.0031 mm.	14.5		
0.0013 mm.	12.0		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 13.9906 D₈₅= 8.1804

D₆₀= 0.3981 D₅₀= 0.1286

D₃₀= 0.0167 D₁₅= 0.0034

D₁₀=

C_u=

C_c=

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

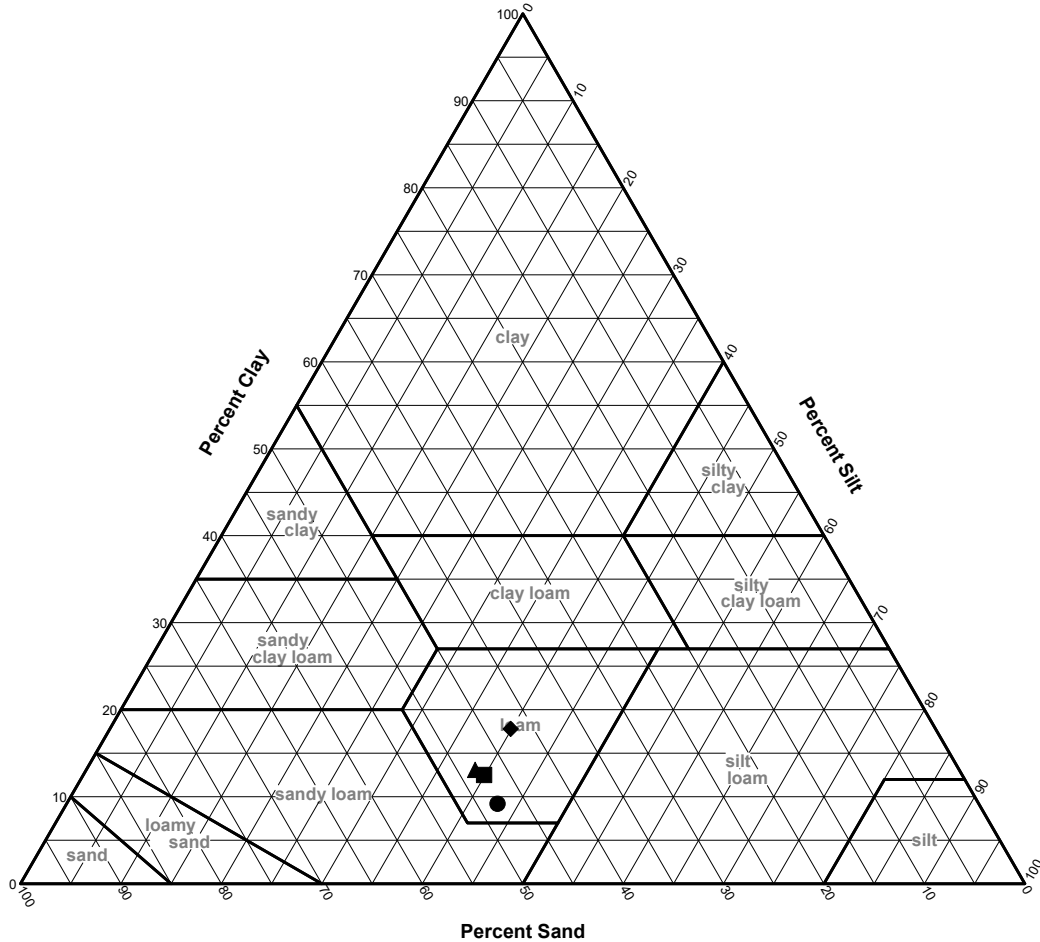
Source of Sample: TP#4
Sample Number: GS-04

Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

USDA Soil Classification



SOIL DATA

	Source	Sample No.	Depth	Percentages From Material Passing a #10 Sieve			Classification
				Sand	Silt	Clay	
●	TP#1	GS-01	1.5-2'	47.9	42.9	9.2	Loam
■	TP#2	GS-02	1.5-2'	47.6	39.9	12.5	Loam
▲	TP#3	GS-03	2.5-3'	48.2	38.7	13.1	Loam
◆	TP#4	GS-04	1.5-2'	42.3	39.8	17.8	Loam



Client: Four Winds at Ridgway LLC

Project: Four Winds at Ridgway Subdivision
Ridgway, CO

Project No.: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.



January 17, 2023

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: SANITARY SEWER FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of designing and constructing a sanitary sewer connection from the proposed Four Winds subdivision to the closest Town of Ridgway connection point east on Redcliff Drive of the XX condominiums. It is our understanding that this study was requested by Town of Ridgway in Item 5 of their December 29, 2022 letter to Chris Hawkins, AICP.

1.0 Assumptions for Analysis

The following assumptions were made in analyzing a potential sanitary sewer alignment from the proposed Four Winds subdivision to the Town's connection point on Redcliff Drive:

- That Vista Terrace will not allow or provide utility easements to route a sanitary sewer system to an adjoining property no in the Vista Terrace subdivision. (Section 11.2 of the Vista Terrace CCR's, Ouray County Reception No. 132891)
- That CDOT will allow a linear sanitary sewer collection system with a lift station within the SH 550 right-of-way. An IGA with the Town would be required to operate and maintain the sewer system in the state highway right-of-way.
- That the Town of Ridgway will accept a lift station which will be required by topographic constraints to connect to the Town's existing collection system
- That a bore under SH 550 and the Uncompahgre River to connect though public and private properties between the highway and the Town's Wastewater Treatment Plant (WWTP) was infeasible for numerous reasons including easement acquisition, environmental clearances, costs and desirability on the part of the Town to accept that alternative.

2.0 Proposed Sanitary Sewer Alignment

Based on the assumptions presented in section 1.0 above, the most logical route for a sanitary sewer collection line is to utilize the Terrace Drive right-of-way west from the Four Winds subdivision to the SH 550 right-of-way. From there the line would continue south adjacent to SH 550 on the east side to a connection in Redcliff Drive. Challenges of this route are: proximity to SH 550 and installing the line 5-7 feet deep per Town construction standards; traffic control during construction to maintain worker and motorist safety, topographic elevations that will require construction of a lift station since open trenching is impractical to maintain gravity flow conditions; subsurface bedrock conditions that could limit or slow installation and inconvenience to Vista Terrace residents for noise and traffic impacts from construction in Terrace Drive. Figure 1. presents a schematic view of this route in plan and profile. Total length of this route is approximately 7,000 linear feet of which 500 feet would be force main and 6,500 linear feet would be 8-inch SDR 35 gravity sewer pipe. We estimate eighteen (18) standard manholes and five (5)

drop manholes will be required to comply with Town design standard of 400 foot maximum spacing between manholes. A 20 gpm duplex pump lift station would be required for the force main portion of the route.

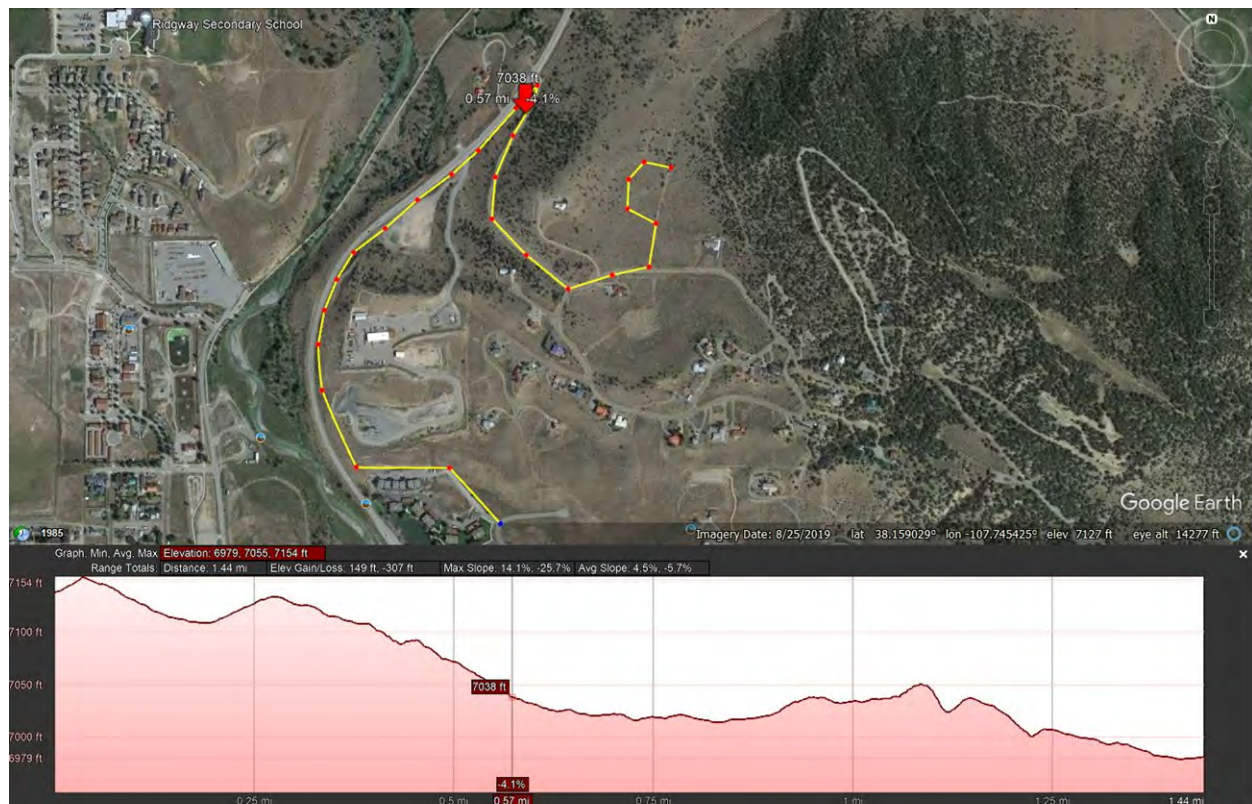


Figure 1. Plan and profile of route from Four Winds subdivision to Town connection in Redcliff Drive.

3.0 Estimated Cost of Design and Construction

Based on the preliminary alignment presented above, the pre-design estimated cost of the sanitary sewer connection is over \$1.698 million. That includes a 20% contingency since this is a conceptual design and material/labor costs remain volatile. The estimated cost also includes an engineering design fee of \$90,000 and Town engineer inspection fee of \$40,000 based on similar Town projects constructed in 2022. A detailed cost estimate is presented in Appendix A of this letter. Life cycle costs to the Town for the operation and maintenance of this system, including the lift station, were not considered in this design and construction cost analysis.

4.0 Conclusion

The per lot cost to design and construct the sanitary sewer connection presented herein is approximately \$85,000 which is, in our opinion, prohibitively expensive for the development. Therefore, based on our previous analysis of the feasibility of an individual OWTS system on each lot (Buckhorn Engineering letter report dated November 9, 2022), we conclude that installation of a sanitary sewer connection is infeasible, and that OWTS installations should be allowed for the Four Winds development.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,



Daniel C. Quigley, P.E.
Project Engineer

Attachments: Appendix A: Pre-Design Estimate of Probable Cost



APPENDIX A

PRE-DESIGN ESTIMATE OF PROBABLE COST

Four Winds Subdivision**Sanitary Sewer Extension Feasibility - Pre-Design Estimate of Probable Cost**

1/17/2023

All Items are installed, complete-in-place per Town of Ridgway standards

Item Number	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization/Demobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Erosion Control Management	LS	1	\$ 15,000.00	\$ 15,000.00
3	8-inch SDR 35 PVC gravity sewer pipe	LF	6,500	\$ 90.00	\$ 585,000.00
4	4-inch C900 DR14 PVC force main pipe	LF	500	\$ 125.00	\$ 62,500.00
5	48" Dia. Standard Manhole	EACH	18	\$ 7,500.00	\$ 135,000.00
6	48" Dia. Drop Manhole	EACH	5	\$ 10,000.00	\$ 50,000.00
7	4" SDR 35 PVC Sanitary Sewer Service Connection	EACH	20	\$ 2,500.00	\$ 50,000.00
8	Lift Station (20 gpm duplex pumps in 4-foot Dia. Basin)	EACH	1	\$ 150,000.00	\$ 150,000.00
9	3-phase electrical service to lift station	LF	3,500	\$ 20.00	\$ 70,000.00
10	SCADA controls for lift station	LS	1	\$ 30,000.00	\$ 30,000.00
11	Sanitary Facility	EACH	2	\$ 1,500.00	\$ 3,000.00
12	Construction Surveying	LS	1	\$ 15,000.00	\$ 15,000.00
13	Traffic Control	DAYS	120	\$ 500.00	\$ 60,000.00
14	Pay and Performance Bond (2.5%)	LS	1	\$ 31,887.50	\$ 31,887.50

Subtotal \$ 1,307,387.50

20% Contingency \$ 261,477.50

Engineering Design Fee \$90,000

Town Engineer Inspection Fee \$40,000

Total Estimated Cost **\$ 1,698,865.00**

Assumptions:

1. Manhole Spacing at maximum 400 feet per Town Standards
2. Includes estimated infrastructure within Four Winds subdivision
3. No ROW or Easements within Vista Terrace per CCR's
4. CDOT accepts linear sewer installation within SH 550 ROW
5. Town accepts lift station into their system

All Items are installed, complete-in-place per Town of Ridgway standards

Item Number	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization/Demobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Erosion Control Management	LS	1	\$ 15,000.00	\$ 15,000.00
3	8-inch SDR 35 PVC gravity sewer pipe	LF	3,700	\$ 90.00	\$ 333,000.00
4	4-inch C900 DR14 PVC force main pipe	LF	500	\$ 125.00	\$ 62,500.00
5	48" Dia. Standard Manhole	EACH	13	\$ 7,500.00	\$ 97,500.00
6	48" Dia. Drop Manhole	EACH	5	\$ 10,000.00	\$ 50,000.00
7	4" SDR 35 PVC Sanitary Sewer Service Connection	EACH	20	\$ 2,500.00	\$ 50,000.00
8	Lift Station (20 gpm duplex pumps in 4-foot Dia. Basin)	EACH	1	\$ 150,000.00	\$ 150,000.00
9	3-phase electrical service to lift station	LF	3,500	\$ 20.00	\$ 70,000.00
10	SCADA controls for lift station	LS	1	\$ 30,000.00	\$ 30,000.00
11	Sanitary Facility	EACH	2	\$ 1,500.00	\$ 3,000.00
12	Construction Surveying	LS	1	\$ 15,000.00	\$ 15,000.00
13	Traffic Control	DAYS	90	\$ 500.00	\$ 45,000.00
14	Pay and Performance Bond (2.5%)	LS	1	\$ 24,275.00	\$ 24,275.00

Subtotal \$ 995,275.00

20% Contingency \$ 199,055.00

Engineering Design Fee \$90,000

Town Engineer Inspection Fee \$40,000

Total Estimated Cost **\$ 1,324,330.00**

Assumptions:

1. Manhole Spacing at maximum 400 feet per Town Standards
2. Includes estimated infrastructure within Four Winds subdivision
3. Assumes additional easement outside of Vista Terrace can be obtained at no cost
5. Town accepts lift station into their system

Traffic Impact Study

To: Buckhorn Engineering
222 S. Park Ave., Montrose, CO
81401

Date: Jan 18, 2023

Project No.: 1122121

From: Nicholas J. Westphal, PE
Dibble
2696 S. Colorado Blvd., Ste 330
Denver, CO 80222

Subject: Four Winds Subdivision



1. Introduction and Background

Four Winds Subdivision is proposed along Terrace Drive, accessed from State Highway 550 (SH-550) near milepost 105, approximately one mile north of Sherman Street and the Town of Ridgeway. The proposed subdivision is part of Ouray County parcel number 430509400146 and the western portion of parcel 430516101001 as depicted in Figure 1.

Vista Terrace Estates is an existing subdivision also along Terrace Drive. This subdivision consists of 59-lots, of which 48 have been developed and 11 are undeveloped. The proposed Four Winds Subdivision is designed to have 20 lots.

The purpose of this Study is to analyze the potential traffic impact to the intersection of SH-550 and Terrace Drive and to provide recommended roadway improvements for mitigation if any are determined to be warranted.

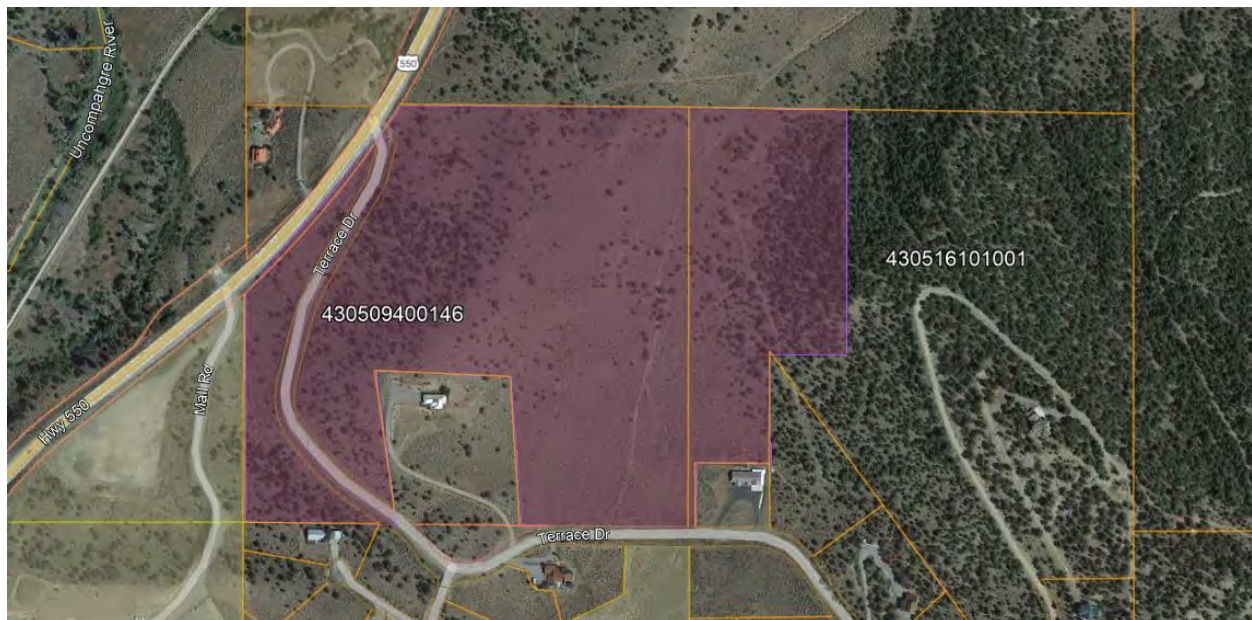


Figure 1 – Four Winds Subdivision Boundary

2. Study Area/Site Access

The Study Area for this analysis is the intersection of SH-550 and Terrace Drive. SH-550 is a regional two-lane undivided highway running north/south, classified as a Principal Arterial. The posted speed limit is 60 miles per hour. The Town of Ridgeway is approximately one mile south of the intersection. There is an existing deceleration lane for northbound traffic turning right from SH-550 to Terrace Drive. There is also an existing northbound acceleration lane for traffic turning right onto northbound SH-550 from Terrace Drive. SH-550 information from CDOT's Straight Line Diagram (SLD) can be found in Appendix A.

Terrace Drive is a local gravel roadway which turns right and increases in elevation immediately after accessing the roadway from SH-550. Terrace Drive is stop controlled at SH-550. Images from the intersection can be seen in Figures 2 through 4 below.



Figure 2 – SH-550 at Terrace Drive, Looking South



Figure 3 – SH-550 at Terrace Drive, Looking North



Figure 4 – SH-550 at Terrace Drive, Looking Southeast

3. Background Traffic

Traffic data was obtained from the CDOT Online Transportation Information System (OTIS). 24-hour counts were conducted by CDOT in June 2020. Buckhorn Engineering conducted peak hour (PH) traffic counts from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM on June 22, 2022 and on January 10, 2023. The traffic data from the June Buckhorn counts was similar to the traffic data from OTIS. Traffic data can be found in Appendix B.

The June 22, 2022 traffic counts were provided in two-hour blocks and the peak hour traffic was assumed to be 60 percent of the 2-hour traffic. The January 10, 2023 traffic counts were provided in 15-minute blocks and the peak hour was determined to be from 7:30 to 8:30 in the AM and 4:30 to 5:30 in the PM. The peak hour traffic for 2022 and 2023 is shown in Figure 5 and Figure 6, respectively. The 2022 peak hour traffic was used for this analysis since it shows higher traffic volumes.

It is noted that the traffic volumes for Terrace Drive in the peak hour is significantly less than expected. The expected trips during the peak hour for 48 Single-Family Detached Housing lots per the ITE Trip Generation Manual, 11th Edition is 38 (10 entering and 28 exiting) in the AM peak hour and 50 (31 entering and 19 exiting) in the PM peak hour.

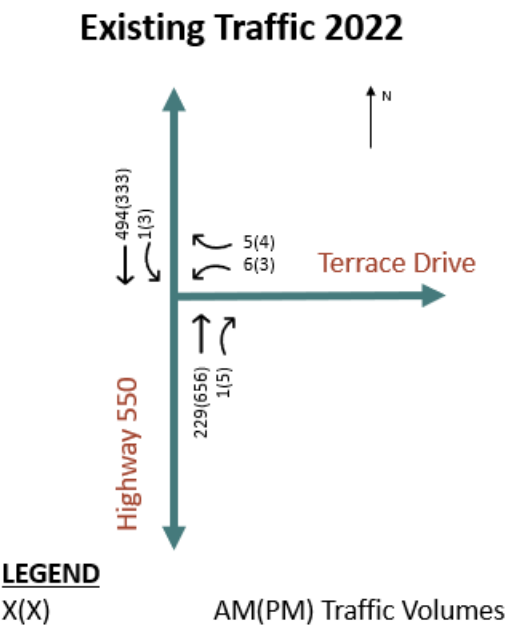


Figure 5 – Existing PH Traffic 2022

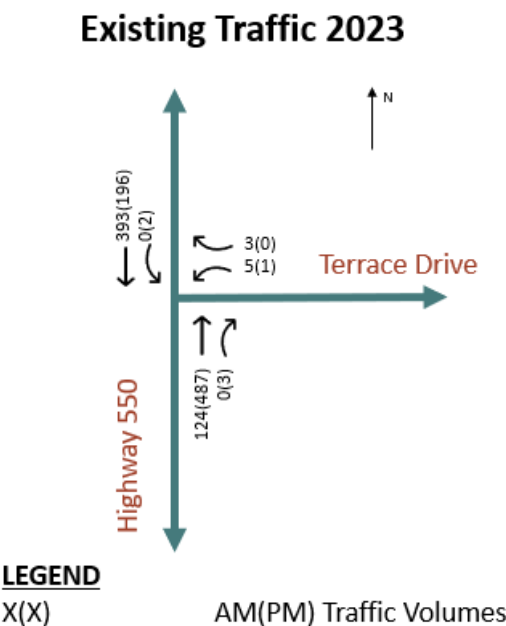


Figure 6 – Existing PH Traffic 2023

4. Trip Generation and Distribution

Trip generation was determined using the ITE Trip Generation Manual, 11th Edition. The land use used for this trip generation calculation is Single-Family Detached Housing and the trips were calculated using the fitted-curve equation. The proposed subdivision has 20 dwelling units, and the resulting generated trips are summarized in Table 1.

Vista Terrace Subdivision has 11 undeveloped lots. The 11 lots will generate traffic once developed and therefore need to be accounted for in future traffic modeling. The trip generation was calculated for 11 lots using the fitted-curve equation for Single-Family Detached Housing dwelling units and is shown in Table 2.

Table 1 – Trip Generation Summary for Four Winds Subdivision

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	20	230	115	115	17	4	13	22	14	8

Table 2 – Trip Generation Summary for Vista Terrace Subdivision Undeveloped Lots

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	11	132	66	66	10	2	8	12	8	4

The Town of Ridgeway is located south of this intersection, is the closest service center, and is where schools are located. However, most major shopping and destinations are north of the intersection in the City of Montrose. Based on this, and the existing trip distribution from Terrace Drive, it was assumed that 50% of the traffic would enter and exit from the south while the remaining 50% would enter and exit from the north. The estimated generated trips were added to the current background traffic. Combined traffic is depicted in Figure 7.

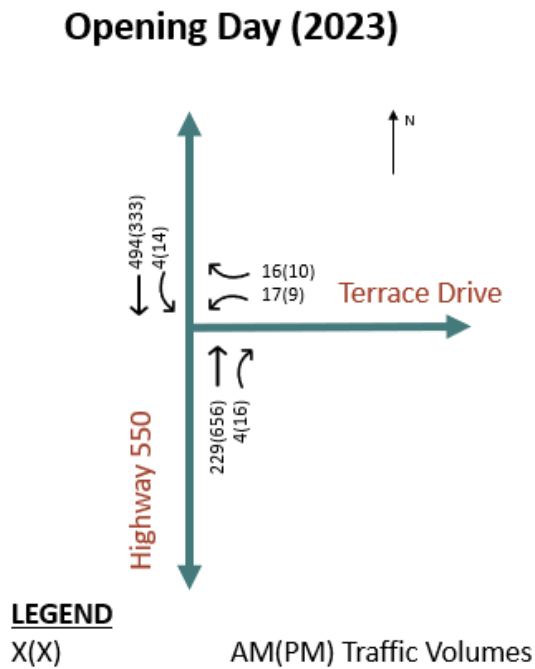


Figure 7 – Combined Existing (2022) PH Traffic and Development Generated Trips

5. Future Traffic

A growth factor of 1.18 was applied to the existing traffic volumes to project the 20-year traffic. The 1.18 value was obtained from OTIS. These results were combined with the generated trips from the proposed Four Winds subdivision and the Vista Terrace subdivision and are depicted in Figure 8.

Future Total Traffic (2042)

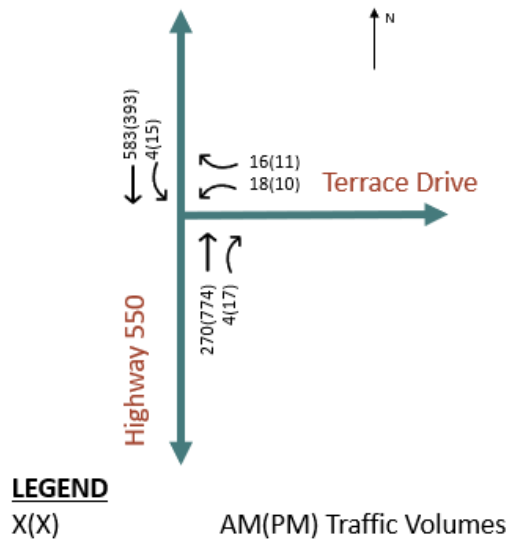


Figure 8 – Combined Future (2042) PH Traffic and Development Generated Trips

6. Level of Service Analysis

Capacity analysis was conducted using the Synchro 11 software. The resulting level of service (LOS) and delay for each scenario is shown in Tables 3 through 6. Level of service A is maintained on SH-550 and level of service B/C is maintained on Terrace Drive.

Table 3 – Existing (2022) PH Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	12.2	B	12.2	B	0.0	A	0.0	A	7.7	A	0.0	A
	PM	15.3	C	15.3	C	0.0	A	0.0	A	9.1	A	0.0	A

Table 4 – Existing (2022) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	13.0	B	13.0	B	0.0	A	0.0	A	7.8	A	0.0	A
	PM	16.8	C	16.8	C	0.0	A	0.0	A	9.2	A	0.0	A

Table 5 – Future (2042) PH with no New Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.2	B	14.2	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	19.2	C	19.2	C	0.0	A	0.0	A	9.6	A	0.0	A

Table 6 – Future (2042) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.4	C	20.4	C	0.0	A	0.0	A	9.7	A	0.0	A

7. Auxiliary Lanes

Section 3.8(5) of the of the State of Colorado State Highway Access Code provides guidance for auxiliary lanes at accesses along Regional Highways. A right turn deceleration lane and acceleration lane have already been constructed.

Per the Access Code, “a left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vph. The taper length will be included within the required deceleration length.” The proposed traffic is projected to have 14 southbound vehicles turning left in the peak hour after full build out and 15 during the 20-year horizon year. Therefore, a left turn deceleration lane is required.

Per the Access Code, “a left turn acceleration lane may be required if it would be a benefit to the safety and operation of the roadway or as determined by subsection 3.5. A left turn acceleration lane is generally not required where; the posted speed is less than 45 mph, or the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.” An access to a Ouray County Road and Bridge facility exists approximately 680-feet south of Terrace Drive which would conflict with an acceleration lane; therefore, a left-turn acceleration lane is not recommended at this intersection.

The level of service was analyzed in the 2042 horizon year with the southbound left-turn deceleration lane. The delay is reduced slightly in the PM peak hour for westbound traffic and all other delays remain the same as shown in Table 7.

Table 7 – Future (2042) PH with Full Development Traffic LOS and SB Left-Turn Lane

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.2	C	20.2	C	0.0	A	0.0	A	9.7	A	0.0	A

8. Traffic Crash Analysis

Traffic crash data was obtained from CDOT's Crash Data Dashboard. The data reviewed included years 2016 through 2020.

- There were 24 crashes between mileposts 104 and 105 during the five-year period.
- Three of the 24 crashes appear to be at the study area intersection and are animal related.
- Three of the 24 crashes involved more than one vehicle. Two of those were sideswipes by vehicles traveling in opposite directions, and one was a rear end south of the study intersection.

There does not appear to be an existing safety issue at the intersection based on crash data. A summary of the crash data between mileposts 104 and 105 can be found in Appendix C.

9. Conclusion and Recommendations

Vista Terrace Subdivision has 59 single-family lots, 48 of which have been developed and 11 remain to be developed. Four Winds Subdivision will add 20 additional single-family lots. Both subdivisions use Terrace Drive as an access to SH-550. Section 3.8(5) of the of the State of Colorado State Highway Access Code requires a southbound left-turn lane based on the expected trips generated by the Four Winds subdivision and the remaining Vista Terrace subdivision.

Per the ITE Trip Generation Manual, 11th Edition, the following trips should be expected for each subdivision.

- Vista Terrace Subdivision (59-lots)
 - 48 AM Trips (12 Entering and 36 Exiting)
 - 62 PM Trips (39 Entering and 23 Exiting)
- Four Winds Subdivision (20-lots)
 - 17 AM Trips (4 Entering and 13 Existing)
 - 22 PM Trips (14 Entering and 8 Existing)

Assuming 50 percent of the traffic is arriving from the north, then the expected southbound left turns generated during the PM peak hour by Vista Terrace is 19 and by Four Winds is 7. It is noted that the existing traffic does not reflect the volume of traffic expected per the ITE Trip Generation Manual; however, the Colorado State Highway Access Code requires the use of the ITE Trip Generation Manual to determine the need for auxiliary lanes. Based on this analysis, a southbound left-turn lane should have been recommended when Vista Terrace was developed since it generates more than 10 expected trips.

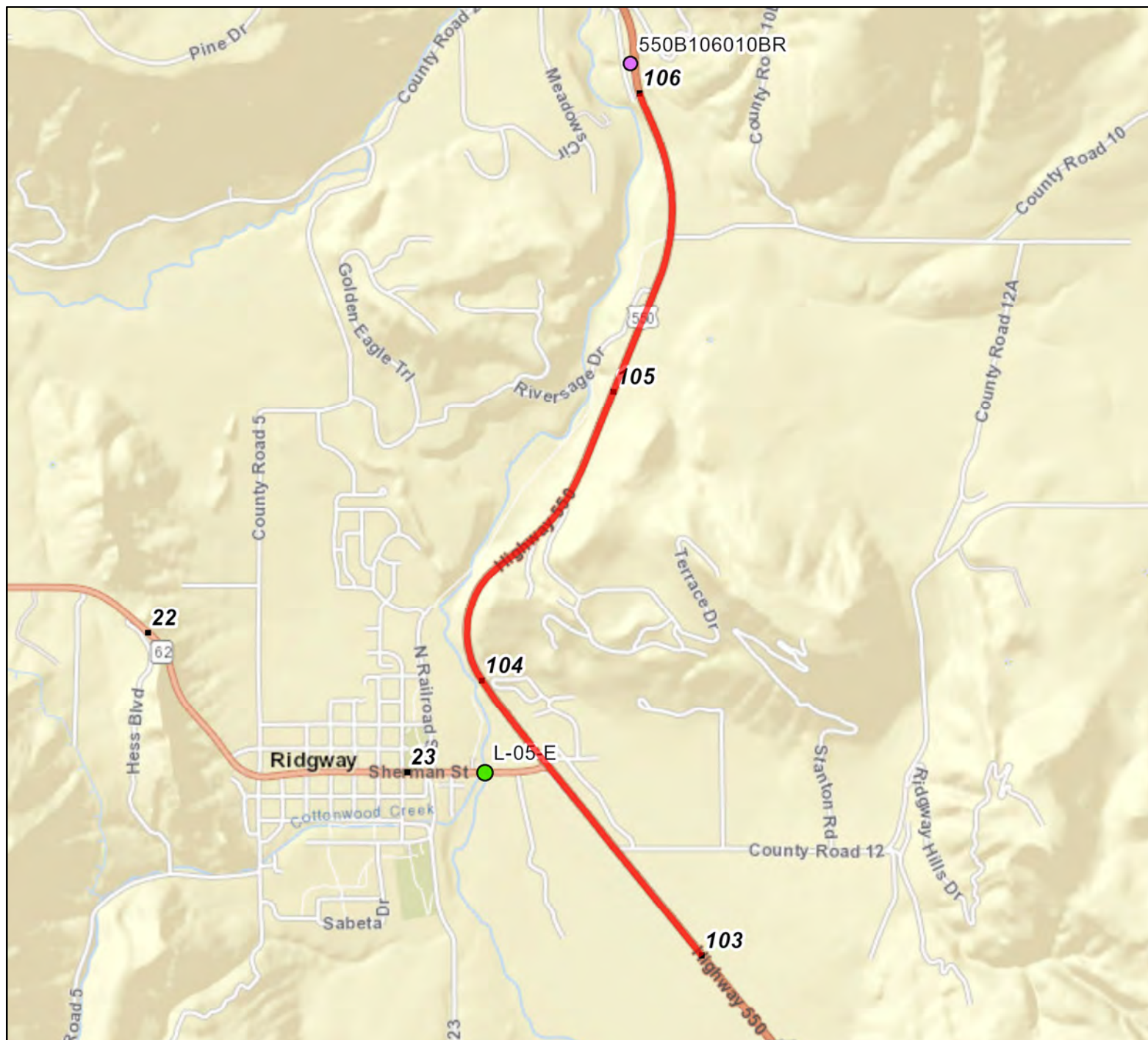
The level of service is maintained for all directions at the intersection with the additional development traffic and there does not appear to be any existing safety issues based on crash data between 2016 and 2020.

Recommendation: Construct a southbound left-turn deceleration lane with taper and storage length per the requirements of the Colorado State Highway Access Code.

Appendix A

CDOT Straight Line Diagram (MP 104-105)

Route 550B From 103 to 106



Legend

Route

Milepoint

Structures

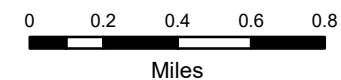
Major Structure

Minor Structure

Created:

Date: 7/5/2022

Time: 9:49:19 PM



The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".

- ◊ Ramps
- Overpass
- - Underpass
- Structures

CLASSIFICATION

Access Control	R-A: Regional Highway		NR-B: Non-Rural Arterial
Functional Class	3 Principal Arterial - Other		
Highway Designation	U.S.		

SAFETY

Primary Speed Limit	60	45	60
Secondary Speed Limit	60	45	60

TRAFFIC

AADT	4800	5600	8700
DHV	15.5		11.5
Off Peak Truck Percentage	5.10	6.20	5.30
Peak Truck Percentage	0.26	0.68	0.54
V/C Ratio	0.35	0.38	0.42
V/C Ratio 20	0.36	0.44	0.49
VMT	25339	1741	15451
Year 20 Factor	1.04	1.17	1.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Route 550B
From 104 To 105



Ramps



Overpass



Underpass

- Structures

CLASSIFICATION

Access Control	NR-A: Non-Rural Principal Highway
Functional Class	3 Principal Arterial - Other
Highway Designation	U.S.

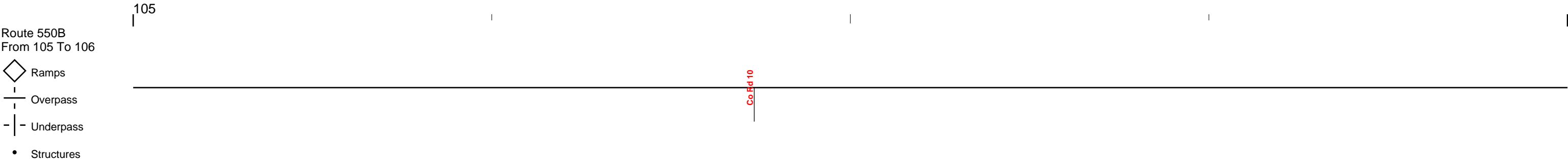
SAFETY

Primary Speed Limit	60
Secondary Speed Limit	60

TRAFFIC

AADT	8700
DHV	11.5
Off Peak Truck Percentage	5.30
Peak Truck Percentage	0.54
V/C Ratio	0.42
V/C Ratio 20	0.49
VMT	15451
Year 20 Factor	1.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.



Appendix B

Traffic Counts

Four Winds Traffic Counts June 22, 2022

SH 550 - NB	SH 550 SB	VT- LTI	VT - LTO	VT - RTI	VT -RTO
AM Peak Hour Count (7:00-9:00AM):					
381	823	1	9	1	8
PM Peak Hour Count (4:00-6:00PM):					
1092	555	5	5	8	6
Total Count for AM and PM Peak Hours:					
1473	1378	6	14	9	14

Four Winds Traffic Counts					
January 10, 2023 - 7AM -9AM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
29	81	1			
18	88				1
16	115			1	
24	109	3		1	
38	88	1			
46	81	1		1	
37	74	1			1
45	78		1	1	

Four Winds Traffic Counts					
January 10,2023 - 4PM-6PM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
102	41			1	1
104	45	1			1
156	61	1	1		
109	54		1		1
113	41				
109	40				2
110	49				2
91	30	3	1		2

CDOT Traffic Count Data June 2020

Direction	HOUR0	HOUR1	HOUR2	HOUR3	HOUR4	HOUR5
P	14	4	1	5	8	20
S	8	4	5	15	14	77
	HOUR6	HOUR7	HOUR8	HOUR9	HOUR10	HOUR11
P	61	188	268	325	442	335
S	328	429	402	390	373	393
	HOUR12	HOUR13	HOUR14	HOUR15	HOUR16	HOUR17
P	477	426	466	471	563	542
S	401	404	401	458	386	330
	HOUR18	HOUR19	HOUR20	HOUR21	HOUR22	HOUR23
P	354	197	122	71	37	23
S	282	202	114	72	41	14

Appendix C

Traffic Crash Data

Legend
Wildlife related
Not wildlife related
At intersection

Notes:

- 1) Table data obtained from the CDOT Crash Data Listings.
- 2) The study area intersection (SH-550 at Terrace Drive) is located at mile post 104.62 along SH-550.
- 3) The "at intersection" crash in 2016, listed at mile post 104.50 is located at Mall Road.

	Mile Post	Road Description	Vehicles	Type	Vehicle 1	Vehicle 2	Driver 1	Driver 2
2016	104.9	INTERSECTION RELATED	1	CURB/RAISED MEDIAN	CHANGING LANES			
	104.62	INTERSECTION RELATED	1	WILD ANIMAL	GOING STRAIGHT		NON-INCAPACITATING INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2017	104.5	AT INTERSECTION	2	REAR-END	SLOWING	STOPPED IN TRAFFIC	NO INJURY	NO INJURY
	103.98	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2018	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	MAKING LEFT TURN		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104.4	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2019	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.2	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2020	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	CULVERT/HEADWALL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	OTHER		INCAPACITATING INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	OTHER NON-COLLISION	AVOIDING OBJECT/VEHICLE IN ROAD		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	



Memorandum

To: Randee Reider, R5 Access Manager
From: Matt Brown, PE, PTOE
Date: 2/13/2023
Re: Four Winds TIS Access Review

Based on State Highway Access Code (SHAC) requirements, the Four Winds development requires a state highway access permit application at the Terrace Drive access to CO-550:

Highway:	Access:	Milepost:	Side:
550B	Terrace Drive	104.62	Right

Project: Four Winds

Submittal Type: ☒ Traffic Impact Analysis ☐ Variance Request
☒ Turn Lane Analysis ☐

Document date: 1/18/2023 ☐ Original ☒ Revision

Consultant: Dibble

Engineer of Record: Nicholas J. Westphal, PE

TIS Review Comments

Comments on the previous submittal have been addressed by the Applicant.

Submittal review status

- ☐ Submittal reviewed. Additional information requested. See comments above.
☒ Submittal reviewed and found acceptable. See special terms and conditions, if any, below.

Traffic Volume Summary for 550B MP 104.62 Right (Terrace Drive)

	2042 Background Traffic	Project Traffic	Project/Existing
PM Peak Hour	19	34	>20%
AM Peak Hour	15	27	>20%

Total count of all vehicles (peak hour): **53**

Access Category: R-A, speed limit (primary) 60MPH, (secondary) 60MPH

Terms and Conditions

1. The Applicant shall provide a southbound left-turn deceleration lane meeting the requirements outlined in Section 4.8 Speed Change Lanes of the State Highway Access Code. For R-A highways, left-turn deceleration lanes consist of decel length + storage. The required taper length is included with the stated decel length.
2. For the 60MPH highway, the deceleration length shall be 700 feet, including a 25:1 taper. Twenty-five (25) feet of storage length shall be provided.
3. The geometric requirements listed above shall be adjusted for any grade of three percent or more.

From: [David Reed](#)
To: [Christopher Hawkins](#)
Subject: FW: Secondary Emergency Access Easement - Proposed Final Version
Date: Wednesday, January 18, 2023 10:54:01 AM
Attachments: [Secondary Emergency Access Easement - Final Version - January 17, 2023 - Clean.docx](#)
[Secondary Emergency Access Easement - Final Version - \[WHM edits January 16, 2023\] Redlined.docx](#)



J. David Reed
Of Counsel
510 S. Cascade Ave. Montrose, CO 81401
(970) 650-2240
reed@dwmk.com
www.dwmk.com

From: Herb McHarg <hmcharg@telluridelaw.net>
Sent: Tuesday, January 17, 2023 8:43 AM
To: David Reed <reed@dwmk.com>
Subject: Secondary Emergency Access Easement - Proposed Final Version

Good morning, David – Attached please find the redlined and clean versions of the Secondary Emergency Access Easement that Ms. Endicott has approved. Once approved by your client, we can ask Tim to draft an A/E stating the parties agreement to this version of the agreement and attach same to the A/E for execution in the event of Closing.

Thanks,

Herb McHarg

SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT

THIS SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT (“**Agreement**”) is entered into and made effective as of _____, 2023 (“**Effective Date**”) by and between Estate of Bernadine Endicott (“**Endicott**”), Four Winds Ranch I, L.L.L.P., a Colorado limited liability limited partnership (“**Four Winds I**”) and Four Winds Ranch II, L.L.L.P., a Colorado limited liability limited partnership (“**Four Winds II**”) whose address is 741 Terrace Drive, Ridgway, CO 81432 (Endicott, Four Winds I and Four Winds II may be referred to herein collectively as “**Grantors**”) and Four Winds at Ridgway, LLC, a Colorado limited liability company whose address is 257 Sherman Street, Unit A, Ridgway, CO 81432 (“**Grantee**”). Grantors and Grantee are sometimes each individually referred to as a “**Party**” and sometimes collectively as the “**Parties**”.

RECITALS

A. Endicott is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Endicott Property**”), more particularly described on attached Exhibit “A”.

B. Four Winds I is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached Exhibit “B” (“**Four Winds I Property**”).

C. Four Winds II is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached Exhibit “C” (“**Four Winds II Property**”). The Endicott Property the Four Winds I Property and the Four Winds II Property may be referred to herein collectively as the “**Grantors’ Property**”. Any reference in this Agreement to the Grantors or the Grantors’ Property and/or any requirement to notice Grantors or obtain written consent of Grantors, means each and every Grantor and any successor Grantor, as well as all the Grantors’ Property regardless of the then-current configuration.

D. Grantee is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Grantee Property**”), more particularly described and depicted on attached Exhibit “D”.

E. Grantee has a pending application to the Town of Ridgway (“**Town**”) to subdivide the Grantee Property and create the Four Winds Subdivision (the “**Subdivision**”), and at a meeting held August 30, 2022, the Town Planning Commission voted to continue consideration of the sketch plan for the Subdivision and, among other things, required Grantee to acquire secondary emergency access as a necessary element of potential approval of the Subdivision.

F. Accordingly, conditioned upon the approval of the Subdivision, Grantee seeks and Grantors are willing to grant and convey to Grantee for the use and benefit of Grantee Property a twenty-six-foot (26’) wide secondary emergency access easement (“**Secondary Emergency Access Easement**”) extending twelve-feet on either side of the centerline of an existing route that is approximately ten feet (10’) to thirteen feet (13’) wide (“**Existing Route**”) located on a portion of the Grantors’ Property, as the same is depicted on attached Exhibit “E” and legally described on attached Exhibit “F” (“**Secondary Emergency Access Easement Area**”) in consideration of certain monetary payments, hereby acknowledged and agreed to as of the Effective Date of this Agreement, along with the terms, conditions and obligations set forth in this Agreement represent the consideration for granting the Secondary Emergency Access Easement (“**Secondary Emergency Access Easement Grant Consideration**”).

AGREEMENT

NOW, THEREFORE, in consideration of the payment of the Secondary Emergency Access Easement Grant Consideration, as well as the above recited premises and the mutual covenants set forth herein, and

other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged and accepted, the Parties hereby agree, as follows:

1. **Grant of Secondary Emergency Access Easement.**

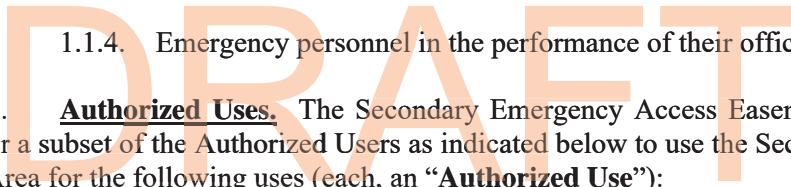
1.1. **Authorized Users.** Conditioned upon the approval of the Subdivision and subject to the terms and conditions set forth herein, Grantors hereby grant and convey the Secondary Emergency Access Easement, which is deemed to be a perpetual, non-exclusive Secondary Emergency Access Easement on, over and across a portion of the Grantors' Property designated as the Secondary Emergency Access Easement Area, for the use and benefit of the Grantee Property, to the following persons or entities ("**Authorized Users**"):

1.1.1. Grantee and each of its successors, assigns, owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of the Grantee Property and Subdivision;

1.1.2. Contractors, subcontractors, consultants and agents retained by Grantee to undertake the Authorized Uses allowed by this Agreement (the "**Contractors**");

1.1.3. Owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of that certain Vista Terrace Subdivision ("**Vista Terrace**") located adjacent to the Grantee Property and Subdivision and sharing certain roads that serve both Vista Terrace and the Grantee Property and Subdivision; and

1.1.4. Emergency personnel in the performance of their official duties.

1.2. **Authorized Uses.** The Secondary Emergency Access Easement authorizes the Authorized Users or a subset of the Authorized Users as indicated below to use the Secondary Emergency Access Easement Area for the following uses (each, an "**Authorized Use**"): 

1.2.1. The Contractors may: upgrade, improve, maintain (including snow plowing), and repair the Secondary Emergency Access Easement Area in strict compliance with the provisions of Section 2 below, and only within the Secondary Emergency Access Easement Area and not otherwise on the Grantor Property.

1.2.2. The remaining Authorized Users may use the Secondary Emergency Access Easement as emergency ingress or egress to escape from the Grantee Property and Subdivision, and Vista Terrace in the event (and only during such event) of a fire or such other catastrophic event that prevents the Authorized Users from escaping the Grantee Property and Subdivision, and Vista Terrace on the primary access road west to Highway 550.

1.3. The Secondary Emergency Access Easement is granted for the specific and limited purposes specified herein and neither the Authorized Users nor any other person shall have a right to use the Secondary Emergency Access Easement or the Secondary Emergency Access Area for any other or additional use or purpose. For clarification and example, other than the periodic minimal maintenance performed by the Contractors as set forth in Section 2 below, the Parties acknowledge and expect that the Secondary Emergency Access Easement will never be used by the Authorized Users, except in the remote event of a catastrophic fire located within the Grantee Property and Subdivision, and/or Vista Terrace.

1.4. Grantors expressly reserves unto themselves the right to: (A) use and enjoy the land covered by the Secondary Emergency Access Easement Area for all lawful purposes that will not unreasonably interfere with the rights hereby granted to Grantee; (B) grant additional licenses, easements, and/or rights-of-way upon or across the Secondary Emergency Access Easement Area to other persons or

entities that will not unreasonably interfere with the rights hereby granted to Grantee; and (C) to improve and maintain the Secondary Emergency Access Easement Area subject to Sections 2.5 and 2.7 below.

1.5. Grantors represent and warrant that the grant of this Secondary Emergency Access Easement is made free and clear of any liens or encumbrances, except those of record.

1.6. Grantee acknowledges and agrees that Grantee, its members or principals or any entity related to Grantee or Grantee's members or principals, has no other right of access across Grantors' Property, except for those specific rights granted pursuant to this Agreement. For and in consideration of this Secondary Emergency Access Easement, the Grantee, for itself, its heirs, successors in interest, subsequent grantees and assigns at law or equity, agrees that it does not have, nor shall it assert and hereby waives and disclaims any claim to title or other ownership, access, easement or other interest to any portion of the Grantors' Property through adverse possession or otherwise, because of the Secondary Emergency Access Easement or for any other reason whatsoever as against the Grantors (or any entity related to Grantors or Grantors' members or principals, respectively), their respective heirs, successors in interest, subsequent grantees and assigns at law or equity. Grantee hereby expressly disclaims any right, title or interest in, on, over, under or across Grantors' Property and Grantee shall not dispute Grantors' ability to install a locked gate(s) anywhere on Grantors' Property including within the Secondary Emergency Access Easement Area as set forth in Section 2.8 below.

2. Review of the Existing Route Improvements Plan.

2.1. The Parties recognize and agree that: (a) the Existing Route is a private road owned by Grantor; (b) the Town and/or County may require certain minimal improvements to the Existing Route (including without limitation minimal widening in certain narrow areas, clearing, grading, tree limb removal where limbs extend over Existing Route, drainage mitigation and limited culvert installation perpendicular to the Existing Route to prevent runoff water from cutting the surface of the Existing Route (without materially impacting the overall existing drainage patterns) ("**Required Existing Route Improvements**") as well as a certain minimum level of ongoing maintenance (including without limitation, clearing, grading, tree limb removal where limbs are growing over Existing Route, drainage mitigation, repair or replacement of culverts, and snow removal) on the Existing Route ("**Required Maintenance**") as part of the Subdivision Approval as may be mandated by, but not to exceed, certain applicable code requirements for the purpose of secondary emergency access ("**Required Standards**"); and (c) nothing herein is intended to, nor shall it presume or require that the Existing Route become a public road, and Grantee shall not request that the Town or County make the Existing Route a public road.

2.2. Grantee acknowledges and agrees that Grantee intends to use the Existing Route Road as currently constructed and located within the Secondary Emergency Access Easement Area for the Authorized Uses set forth herein.

2.3. Grantee further acknowledges and agrees that without the prior written consent of Grantor, Grantee shall not modify the Existing Route, except as specifically required by the Town and/or County for any Required Existing Route Improvements and to the minimum extent necessary to comply with Required Standards as reasonably determined by the Town and/or County ("**Minimum Required Route Improvements Determination**"); *provided however* that Grantee understands, acknowledges and agrees that any such Required Existing Route Improvements and/or any Required Maintenance as required by the Minimum Required Route Improvements Determination shall not include or require: (1) pavement or asphalt resurfacing of the Existing Route; (2) any substantive increase in the width of the Existing Route including without limitation widening that would result in any material slope cuts; or (3) any major grade adjustments to the Existing Route that result in any material slope cuts.

2.4. Grantee, at its sole cost and expense, shall prepare a plan ("**Proposed Existing**

Route Improvements Plan”), indicating the design of the Required Existing Route Improvements being required by the Town and/or County consistent with the Minimum Required Route Improvements Determination for any improvements or upgrades to the Existing Route. The Required Existing Route Improvements must be located within the Secondary Emergency Access Easement Area. In preparing the Proposed Existing Route Improvements Plan, Grantee shall take reasonable steps to cause the plans to meet the minimum degree of improvements and upgrades to the Existing Route as reasonably believed to be possible to meet the requirements of the Required Standards to best retain the rural “ranch road” character of the Existing Route. Prior to submitting the Proposed Existing Route Improvements Plan to the Town and/or County, Grantee shall send Grantors a copy of the Proposed Existing Route Improvements Plan for Grantors’ reasonable review and comment. Should Grantors desire to provide any comments to this Proposed Existing Route Improvements Plan, Grantors shall do so in writing within 30 days after the date the Proposed Existing Route Improvements Plan is received by Grantors. Failure to provide such comments within that 30 day period shall cause such right for Grantors to comment to be waived. Thereafter Grantee shall make every effort to modify those sections of the Proposed Existing Route Improvements Plan affecting the Grantors’ Property to reflect the reasonable comments of Grantors, provided that any such comments offered by Grantors: (a) enable Grantee to construct and maintain Required Existing Route Improvements that comply in the least intrusive manner possible with the Minimum Required Route Improvements Determination; (b) rely on layback areas located entirely within the Secondary Emergency Access Easement Area (rather than retaining walls, except to the degree needed to keep all Required Existing Route Improvements within the Secondary Emergency Access Easement Area) to address slope cutting and drainage; and (c) not result in any material increase in Grantee’s cost of constructing and maintaining the Required Existing Route Improvements; notwithstanding the above, Grantee acknowledges and accepts a reasonable increase in such costs as a result of implementing Grantors’ comments. The Parties promptly shall meet and confer and cooperate in a commercially reasonable and good faith manner to address issues and concerns identified by Grantor and Grantee relative to the Required Existing Route Improvements (as reflected in the Proposed Existing Route Improvements Plan) and to modify the Proposed Existing Route Improvements Plan in a mutually acceptable manner. If the Proposed Existing Access Road Improvements Plan has not been mutually agreed upon (after good faith attempts by the Parties pursuant to this Section 2.4), Grantee shall submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantee would like the Town and/or County to review and act upon, and Grantors may submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantors would like the Town and/or County to review and approve. In either event, each Party shall notify the other Party of any meetings with the Town and/or County to review the respective Proposed Existing Route Improvements Plan and the other Party or its representative may attend and participate in such meetings to address the nature and extent of any impacts on it resulting from the Required Existing Route Improvements, which attendance and participation each Party shall elect to undertake without cost or expense to the other Party. The Parties acknowledge and agree that Grantee is authorized to construct and shall construct at Grantee’s sole cost and expense any and all Required Existing Route Improvements mandated by the Town and/or County after these procedures and only within the Secondary Emergency Access Easement Area (“**Approved Existing Route Improvements Plans**”), and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Existing Route Improvements constructed, performed and maintained under the Approved Existing Route Improvements Plans now or in the future; and Grantors shall not request nor shall Grantors be entitled to receive any additional consideration from Grantee other than the consideration set forth in Recital E of this Agreement.

2.5. Nothing herein shall prevent or preclude Grantors from improving the Existing Route at its sole discretion beyond the Required Existing Route Improvements (“**Additional Improvements**”); *provided however* that any such Additional Improvements shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.6. Grantee, at Grantee’s sole cost and expense, shall be responsible for all Required Maintenance required by the Town and/or County according to the Required Standards and Subdivision

approval, and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Maintenance now or in the future.

2.7. Nothing herein shall prevent or preclude Grantors from performing, at its sole discretion, any maintenance beyond the Required Maintenance (“**Additional Maintenance**”); *provided however* that any such Additional Maintenance shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with the Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.8. Nothing herein shall prevent or preclude Grantors from locking existing gates or installing new gates within the Secondary Emergency Access Easement Area, and Grantee hereby understands and acknowledges that Grantors intend to (but are in no way obligated to) install such locking gate(s) and/or remove same, at any time now or in the future; *provided however* that there be a reasonable means for the Contractors to access through the gates (e.g. key or code), and for the remaining Authorized Users to access through the gates in the event of an emergency as described in Section 1.2.2 above (e.g. emergency code). Grantors may provide access through the locked gates to any other persons at Grantors’ discretion. Notwithstanding the foregoing, the installation of any locked gates shall in no way unreasonably interfere with or otherwise frustrate the specific purposes of the Secondary Emergency Access Easement which is to provide secondary emergency ingress/egress in accordance with Section 1.2 above.

2.9. Notwithstanding any contrary term or condition in this Agreement, in undertaking the Required Existing Route Improvements approved within the Approved Existing Route Improvements Plans and the Required Maintenance, all construction and maintenance access to the Secondary Emergency Access Easement Area ~~that is allowed as an Authorized Use shall be made from County Road 12/12A located at the east-end of the Secondary Emergency Access Easement Area, rather than from the west-end of the Secondary Emergency Access Easement Area.~~ Grantee understands, acknowledges and agrees that the intent of this provision is to reduce construction and maintenance traffic at the west-end of the Secondary Emergency Access Easement Area and otherwise through the Endicott Property. Further, the Secondary Emergency Access Easement Area shall not be used for any construction, reconstruction, improvement or maintenance of any roads or properties including without limitation Terrace Drive, the Subdivision and Vista Terrace at any time (including without limitation following a fire or other catastrophic event), and Grantee understands and acknowledges that such use is not an Authorized Use under this Agreement.

3. Construction of Required Existing Route Improvements and Performance of Required Maintenance.

3.1. Grantee shall cause all Authorized Uses to be undertaken in strict compliance with the terms and conditions of this Agreement and Grantor shall not be responsible for any costs or expenses arising in connection with such undertaking.

3.2. In undertaking the Authorized Uses, Grantee shall: (a) carry out and complete all activities in a good, workmanlike and professional manner and in accordance with applicable law; and (b) minimize, to the extent practical, disturbance to the Grantors’ Property, including access to the Grantors’ Property, and reasonably shall return the Grantors’ Property to the condition that pre-existed prior to such site disturbance activities (including restoration, reseeded and/or re-contouring the Grantors’ Property). Nothing herein is intended to modify the provision at paragraph 1.2.1 above that limits the Authorized Uses to the Secondary Emergency Access Easement Area and not otherwise on the Grantors’ Property. Further, Grantee shall not permit any staging or storage of materials, or parking of vehicles or equipment overnight within the Secondary Emergency Access Easement Area.

3.3. In undertaking the Authorized Uses, Grantee shall not permit or allow to be recorded or attached to the Grantors’ Property any mechanics’ or materialmen’s liens.

3.4. Grantee understands, acknowledges and agrees that all Required Existing Route Improvements undertaken according to the Approved Existing Route Improvements Plans shall be completed within 18 months of the date of the Town/County approval of the Approved Existing Route Improvements Plans, and prior to the end of such 18-month period Grantee shall provide Grantors with a certificate or other instrument from the Town/County to Grantor's reasonable satisfaction memorializing that the Required Existing Route Improvements have been completed consistent with the Approved Existing Route Improvements Plans.

4. Miscellaneous

4.1. **Runs with the Land, Successors and Assigns.** The easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall run with the land and shall both benefit and burden the Grantors' Property, on the one hand, and the Grantee Property, on the other hand, as applicable, during the term of this Agreement. Further, the easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall be binding upon and shall inure to the benefit of, and be a burden upon, the designees, successors, and assigns of the Parties during the term of this Agreement (including without limitation any owners' association established by Grantee as part of Subdivision approval).

4.2. **Indemnification.** Grantee does hereby, for itself and all Authorized Users, agree and commit to indemnify, defend, release, hold and save harmless Grantors and Grantors' heirs, successors, assigns, designees and agents ("**Grantee's Indemnifications**") from and against any and all mechanics' lien(s), expenses, claims, third-party claims, actions, liabilities, losses, injuries to persons or property, damages (including attorney's fees and costs), and costs and/or liabilities of any kind whatsoever including arising out of, or in any way connected with Grantee's and the Authorized Users' use of the Secondary Emergency Access Easement and the Secondary Emergency Access Easement Area including without limitation the Authorized Uses (except in instances where the claims asserted against Grantors are attributable in whole or in part to the gross negligence or willful misconduct of Grantors, in which case the Grantee's Indemnifications shall be allocated in a comparative manner between Grantors and Grantee).

4.3. **Insurance.** Grantee shall keep and maintain, at their sole cost and expense, a commercial general liability insurance coverage for themselves and each Authorized User who are undertaking some or all of the Authorized Uses at the direction of Grantee, containing minimum limits per occurrence of \$2,000,000 and \$5,000,000 in the aggregate ("Policy"). Within seven (7) days of the Effective Date, Grantee shall provide Grantors with certificates of insurance naming Grantors as an additional insured. The Policy shall include a provision requiring a minimum of thirty (30) days-notice to Grantors of any change or cancellation. Said insurance coverage shall commence and continue for the full term of the easement. The amount of the coverage shall be reviewed as necessary and any changes mutually agreed upon, at least every five years, and adjusted to keep pace with the market for similar coverages, but in no event will the amount of the coverage be less than the amount stated above.

4.4. **Limitations on Grantee's Liabilities Under Sections 4.2 and 4.3.** The Parties understand and agree that Grantee, or any successor owner of the Grantee Property, intends to be the "declarant" (as that term is defined in C.R.S. § 38-33.3-103(12)) in relation to the Subdivision. Following: (i) the creation and filing of the Articles of Incorporation of the Subdivision's Homeowners Association (the "**Association**") with the Colorado Secretary of State, (ii) the recordation of the General Declaration of the Subdivision (the "**Declaration**") that includes the Indemnification and Obligation Provisions as defined below, and (iii) the date that is sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than the Grantee/declarant, regardless of any earlier termination of the Grantee/declarant control of the Association provided by the Declaration or pursuant to C.R.S. § 38-33.3-303(5)(a) Grantee's Indemnifications under Section 4.2 as well as Grantee's obligations under Section 4.3

(“**Grantee’s Indemnifications and Obligations**”) shall transfer to the Association. Grantee shall incorporate the essential provisions of Grantee’s Indemnifications and Obligations into the Declaration of the Subdivision including provisions acknowledging this Agreement, stating that any modification or amendment to such Declaration provisions made without Grantor’s prior written consent shall be null, void and of no force or effect, and requiring a minimum of sixty (60) days-notice to Grantor prior to any proposed modification or amendment of same (the “**Indemnification and Obligation Provisions**”). Grantor shall have the right to review the proposed Indemnification and Obligation Provisions and same must be approved, to Grantor’s reasonable discretion, in writing prior to Grantee finalizing and recording the Declaration. Upon transfer of Grantee’s Indemnifications and Obligations, Grantee’s individual responsibilities and liabilities under Section 4.2 and 4.3 shall cease and shall no longer be enforceable against Grantee individually, however such responsibilities and liabilities under Section 4.2 and 4.3 thereafter shall be in full force and effect and enforceable against the Association, its successor, assigns, and transferees. For clarification, the intent of the parties is for Grantor to benefit from the terms and conditions of Section 4.2 and 4.3, unaltered and without interruption. If the Grantee or Association modifies or amends the previously approved Indemnification and Obligation Provisions without the Grantor’s prior written consent, such event shall be considered a “Default” (as defined in Section 4.5 below) under this Agreement, and any such effort by the Grantee/Association shall be prima facie evidence of real, immediate and irreparable harm to Grantor with no speedy and adequate remedy at law, and shall establish the basis for injunctive relief.

4.5 **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party (“**Claiming Party**”) claims that the other Party (“**Responding Party**”) has violated or breached any of the terms, conditions or provisions of this Agreement (“**Default**”), the Claiming Party promptly shall prepare and deliver to the Responding Party a written notice claiming or asserting that the Responding Party is in such default (“**Notice of Default**”), which Notice of Default clearly shall state and describe: (a) each section(s) of the Agreement that the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps that must be undertaken to cure the alleged default (“**Cure Events**”), and (d) the reasonable timeframe (not less than ten days for a monetary default and not less than 30 days for a non-monetary default, unless emergency circumstances require a shorter response time) within which the alleged violation needs to be cured (“**Cure Completion Date**”). In the event that the Responding Party fails to effect the Cure Events specified in the Notice of Default by the Cure Completion Date, then the Claiming Party shall have the right to pursue all remedies at law and/or in equity (specifically including injunctive relief and/or specific performance) and to recover all costs and expenses (including legal fees) related thereto.

4.6 **Governing Law, Remedies, Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in Ouray County, Colorado. All of the rights and remedies of the Parties under this Agreement including, without limitation, injunctive relief and specific performance, shall be cumulative and shall be binding upon, and inure to the benefit of, each of their respective successors, heirs, and assigns. Time is of the essence to the performance of any undertakings required by this Agreement. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys’ fees and expert witness fees. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.

4.7 **Severability.** If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.

4.8 **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by the other Party. The Parties hereto

warrant that, as may be applicable, each Party: (a) is a duly qualified and existing entity, capable of doing business in the state of Colorado, (b) that the person(s) executing this Agreement are duly authorized to execute this Agreement, (c) that each Party has taken all actions necessary to obtain any and all authorizations and consents for the placement of the Secondary Emergency Access Easement from any person or party having an interest in the Grantors' Property or Grantee Property, including a lender, sufficient to encumber the Grantors' Property and Grantee Property in perpetuity to the terms and conditions stated herein, and (d) that the terms and conditions of this Agreement constitute an enforceable agreement against such Party.

4.9 **Recording.** This Agreement will be recorded in the Official Records of the Ouray County Clerk and Recorder.

4.10 **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements, understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by the Parties, and dated after the Effective Date.

4.11 **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the Effective Date, and signed by the Parties. No waiver of any breach, term or condition of this Agreement by any Party shall constitute a subsequent waiver of the same or any other breach, term or condition.

4.12 **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile copies of any Party's signature hereon shall be deemed an original for all purposes of this Agreement.

4.13 **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either Party to the other shall be deemed to have been fully given or made or sent when made in writing and delivered by United States Mail (certified, return receipt requested and postage pre-paid), and addressed to the Party at the address of record as set forth in the records of the Ouray County Treasurer's Office.

4.14 **Mediation.** In the event of any dispute regarding any matter set forth in this Agreement, the Parties agree to first proceed in good faith to submit the matter to mediation prior proceeding with any court action. Mediation is a process in which the Parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The Parties will jointly appoint a mediator reasonably acceptable to the Parties and will share equally in the cost of such mediation. The mediation, unless otherwise agreed, shall terminate in the event the entire dispute is not resolved within 30 calendar days from the date written notice requesting mediation is sent by one Party to the other at the Party's last known address.

IN WITNESS WHEREOF, the Parties have executed this Agreement, intending it to be effective as of the Effective Date.

GRANTORS:

Estate of Bernadine Endicott

By: _____
Cheryl Endicott, Personal Representative

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by _____ as the _____ of the Estate of Bernadine Endicott.

Witness my hand and official seal.

Notary Public

My commission expires: _____

(Grantor Signature Continued on Following Page)

Four Winds Ranch I, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch I,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT
(Grantor Signature Continued on Following Page)

Four Winds Ranch II, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch II,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT
(Grantee Signature on Following Page)

GRANTEE:

Four Winds at Ridgway, LLC

By: _____
Tim Currin, Manager

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Tim Currin, Manager, Four Winds Ranch at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT

By: _____
Eric Faust, Member

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Eric Faust, Member, Four Winds at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

EXHIBIT “A”
(Description of Endicott Property)

DRAFT

EXHIBIT “B”
(Description of Four Winds Ranch I, LLLP Property)

DRAFT

EXHIBIT “C”
(Description of Four Winds Ranch II, LLLP Property)

DRAFT

EXHIBIT “D”
(Description of Grantee Property)

DRAFT

EXHIBIT “E”
(Depiction of Secondary Emergency Access Easement)

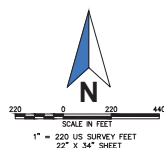
DRAFT

EXHIBIT “F”
(Description of Secondary Emergency Access Easement Area)

DRAFT

4 WINDS SUBDIVISION
EMERGENCY ACCESS EXHIBIT

DRAFT



LEGEND

- PROPERTY LINE
 APPROXIMATE PROPERTY LINE
 CENTERLINE ROAD

EMERGENCY EGRESS:
LENGTH FROM TERRACE DR. TO C.R. 12: 6996' ±
ROAD WIDTH VARIES: 10' - 13' ±
ROAD ACREAGE: 1.73 ACRES ±

REVISIONS			
REV	DATE	DESCRIPTION	BY
			ML

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
303.240.6928

FOUR WINDS AT RIDGWAY
EMERGENCY EGRESS
RIDGWAY, CO

PROJECT	2022-018-CH
DATE	1/4/2022
DRAFTER	JC
CHECKED	JC
FIELD-CREW	JC
FIELD-DATE	12/06/2021

EX-1
SHEET-1-OF-1

EXHIBIT L

Four Winds Subdivision
Pre-Development Engineer's Estimate of Probable Cost
3/6/2023

All Items are installed, complete-in-place

Item Number	Description	Units	Quantity	Unit Price	Total Price
1	Clearing and Grubbing for road and driveway entrances	LS	1	\$ 5,000.00	\$ 5,000.00
2	Mobilization	LS	1	\$ 15,000.00	\$ 15,000.00
3	Unclassified Excavation	CY	8,200	\$ 10.00	\$ 82,000.00
4	Embankment Fill	CY	6,800	\$ 15.00	\$ 102,000.00
5	Erosion Control Management	LS	1	\$ 5,500.00	\$ 5,500.00
6	Aggregate Base Course (Class 2) (15")	CY	3,000	\$ 35.00	\$ 105,000.00
7	Aggregate Base Course (Class 6) (6")	CY	1,300	\$ 45.00	\$ 58,500.00
8	Water Tank (Size to be determined, assume 40K gallons)	LS	1	\$ 90,000.00	\$ 90,000.00
9	6-inch C900 (DR18) PVC water pipe and fittings	LF	2,700	\$ 55.00	\$ 148,500.00
10	6-inch gate valves	EACH	3	\$ 4,500.00	\$ 13,500.00
11	Fire Hydrant with 6-inch guard valve	EACH	6	\$ 5,500.00	\$ 33,000.00
12	Water service connection	EACH	20	\$ 2,500.00	\$ 50,000.00
13	12-inch ADS driveway culverts	LF	400	\$ 50.00	\$ 20,000.00
14	Dry Utilities (gas, electric, communications)	LF	2,700	\$ 30.00	\$ 81,000.00
15	Sanitary Facility	EACH	1	\$ 500.00	\$ 500.00
16	Construction Surveying	LS	1	\$ 13,000.00	\$ 13,000.00
17	Traffic Signs on U-channel posts	EACH	6	\$ 250.00	\$ 1,500.00
18	US Highway 550 Deceleration Lane	LS	1	\$ 750,000.00	\$ 750,000.00
19	Pay and Performance Bond (2.5%)	LS	1	\$ 22,062.00	\$ 22,062.00

Subtotal \$ 1,596,062.00

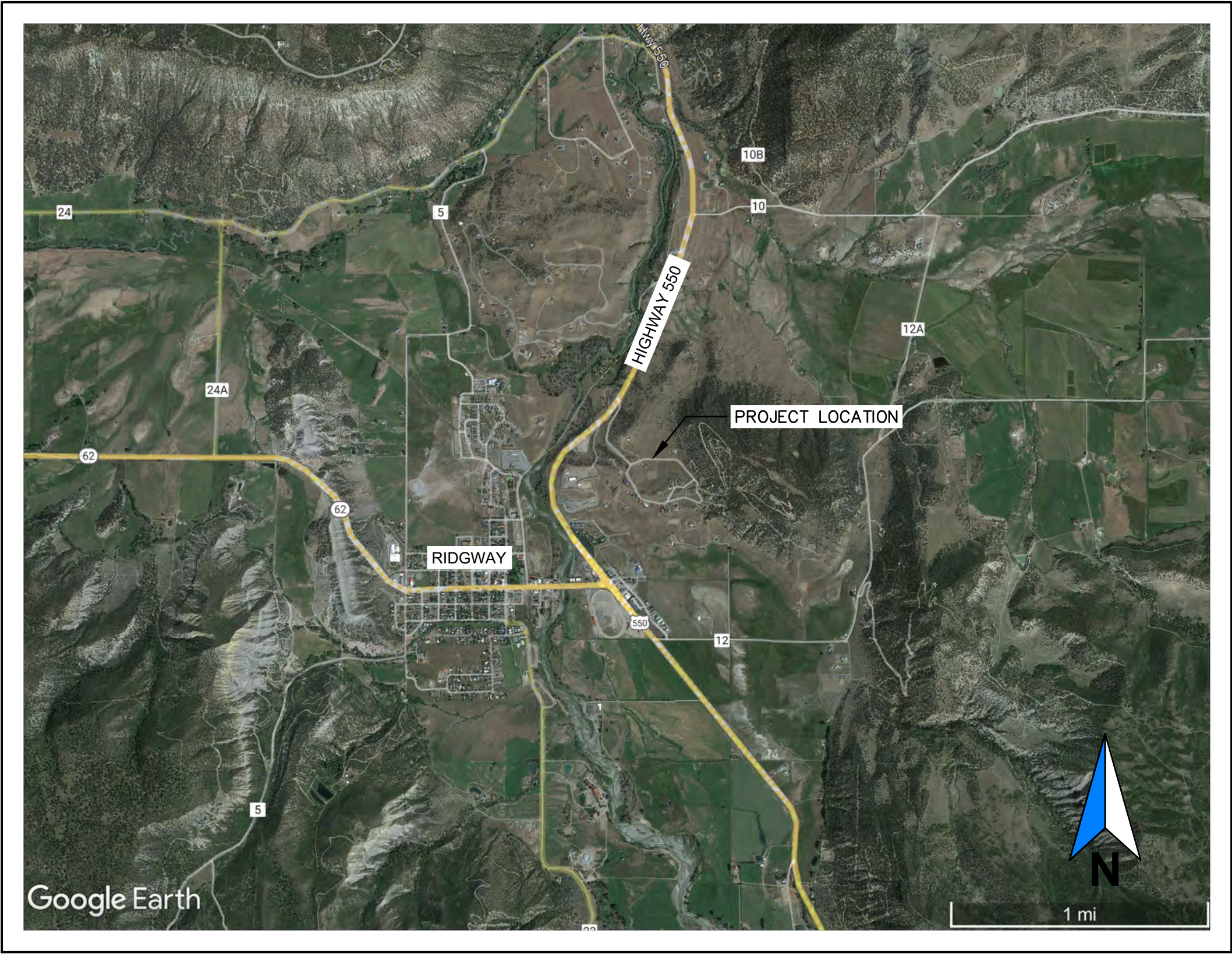
10% Contingency \$ 159,606.20

Engineering Design Cost \$110,000

Total Estimated Cost **\$ 1,865,668.20**

FOUR WINDS AT RIDGWAY SKETCH PLAN

SITUATED IN SECTION 9, TOWNSHIP 45 NORTH, RANGE 8 WEST,
NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF OURAY, STATE OF COLORADO



VICINITY MAP
NOT TO SCALE

SKETCH PLAN INDEX

- SP-1 COVER SHEET
- SP-2 EXISTING CONDITIONS
- SP-3 SKETCH PLAT
- SP-4 ZONING PLAN
- SP-5 PROPOSED IMPROVEMENTS
- SP-6 CONCEPTUAL WATER LAYOUT
- SP-7 DETAILS

LEGEND

PROPOSED	EXISTING	
-----	-----	RIGHT-OF-WAY LINE
-----	-----	ROAD CENTERLINE
-----	-----	EASEMENT
.....	SETBACK
-----	-----	PROPERTY LINE
-----8475-----	-----8455-----	CONTOURS MAJOR
-----	-----	CONTOURS MINOR
⬆	⬆	MAIL BOX
○	○	POST
●	●	SIGN
x x	x x	FENCE
→	→	DITCH
→	→	SANITARY SEWER SERVICE (DYNAMIC)
□	□	SANITARY CLEANOUT
└	└	SANITARY LINE END CAP
⊙	⊙	SANITARY SEWER MANHOLE
—S—S—	—S—S—	SANITARY SEWER LINE
	⊙	WATER MANHOLE
	⊙	WATER VAULT
	⊙	WATER VALVE
	⊙	FIRE HYDRANT
	⊙	FIRE DEPARTMENT CONNECT
	⊙	WATER METER
	⊙	WATER SERVICE OR CURB STOP
—W—W—	—W—W—	WATER LINE
⊙	⊙	IRRIGATION CONTROL BOX
⊙	⊙	IRRIGATION VALVE
—IR—	—IR—	IRRIGATION LINE
-----	-----	IRRIGATION SLEEVE
⊙	⊙	STORM DRAIN MANHOLE
⊙	⊙	STORM DRAIN CATCH BASIN AT CENTER
⊙	⊙	STORM DRAIN CATCH BASIN TOP INLET
—SD—SD—	—SD—SD—	STORM DRAIN LINE
		CULVERT
>	>	CULVERT END
⊙	⊙	TRANSFORMER
⊙	⊙	ELECTRIC PED
⊙	⊙	UTILITY POLE
⊙	⊙	GUY WIRE
—OE—OE—	—OE—OE—	ELECTRIC LINE OVERHEAD
—E—E—	—E—E—	ELECTRIC LINE UNDERGROUND
⊙	⊙	COMMUNICATIONS BOX
—C—C—	—C—C—	COMMUNICATIONS LINE
⊙	⊙	GAS METER
—G—G—	—G—G—	GAS LINE
		GRAVEL ROAD

REVISIONS		BY
REV	DATE	DESCRIPTION

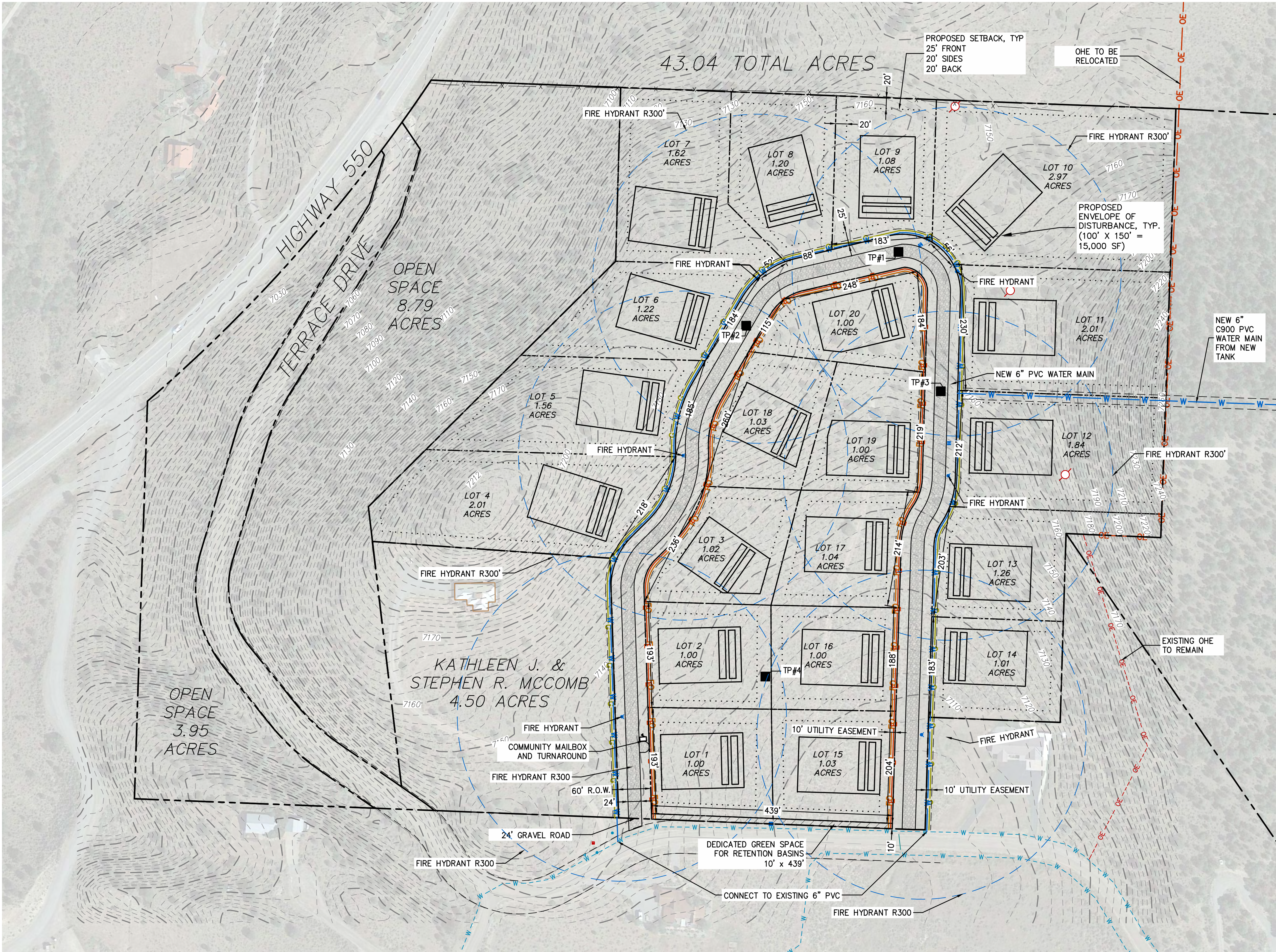
BUCKHORN	ENGINEERING
222 South Park Avenue	Montrose, Colorado 81401
970-249-6828	

FOUR WINDS AT RIDGWAY
SKETCH PLAN
COVER SHEET

PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	

SHEET
SP-1
SHEET 1 OF 10

T:\CIVIL\2022\018-CIV Four Winds Subdivision\65CAD\CB-FOUR WINDS.dwg PLOT DATE 2023-3-13 11:55 SAVED DATE 2023-03-13 11:52 USER: wldgate



NOTE 1. DEVELOPMENT ON EACH LOT, INCLUDING BUT NOT LIMITED TO FENCING, LANDSCAPING, GRADING, DRAINAGE, PERMITTED BUILDINGS, INCLUDING ROOF DRIP LINES, PATIOS, DECKS AND SEPTIC SYSTEMS SHALL BE LOCATED ENTIRELY WITHIN THE DISTURBANCE ENVELOPES SHOWN ON THE PLAT EXCEPT FOR DRIVEWAYS AND ASSOCIATED GRADING, LANDSCAPING TO PLANT NATIVE TREES, SHRUBS OR GRASSES PURSUANT TO THE FOUR WINDS DESIGN REGULATIONS, TREE REMOVAL FOR FIRE MITIGATION, DRAINAGE, SNOW STORAGE, ADDRESS MONUMENTS, AND UTILITIES. THE NATURAL HABITAT OUTSIDE OF THE DISTURBANCE ENVELOPES WILL BE PRESERVED IN ITS NATURAL STATE.

NOTE 2. SURVEY TIE-INS WITH BEARINGS AND DISTANCE WILL BE PROVIDED FOR EACH DISTURBANCE ENVELOPE WITH THE PRELIMINARY PLAT.

NOTE 3. THE OPEN SPACE SHOWN ON THIS PLAN WILL BE PRESERVED IN PERPETUITY AND IS ONLY ALLOWED TO HAVE PASSIVE OPEN SPACE USES APPROVED BY THE TOWN. THE OPEN SPACE WILL BE PRIVATELY OWNED, MANAGED AND MAINTAINED BY THE FOUR WINDS AT RIDGWAY HOMEOWNERS ASSOCIATED.

NOTE 4. WILDLIFE RESISTANT TRASH AND RECYCLING STORAGE ROOMS OR ENCLOSURES WILL BE REQUIRED FOR EACH HOME.

NOTE 5. A TOWN SEWER SYSTEM IS NOT AVAILABLE TO SERVE THE FOUR WINDS AT RIDGWAY SUBDIVISION. NO BUILDING PERMIT OR OTHER DEVELOPMENT PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT (ISDSP) HAS BEEN ISSUED. IN ORDER FOR AN ISDSP TO BE ISSUED, THE APPLICABLE REQUIREMENTS OF COLORADO STATUTES AND REGULATIONS, AND TOWN REGULATIONS, IF ANY, AS IN EFFECT FROM TIME TO TIME, MUST BE MET. THE TOWN SHALL HAVE NO RESPONSIBILITY ON ACCOUNT OF ITS DENIAL OF AN ISDSP FOR ANY LOT WHICH CANNOT MEET THE REQUIREMENTS AND APPLICABLE LAW. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT TO MAINTAIN ANY PERMITTED INDIVIDUAL SEWAGE DISPOSAL SYSTEM IN GOOD OPERATING ORDER IN ACCORDANCE WITH STATE LAW. FAILURE TO MAINTAIN A SYSTEM CAN RESULT IN CIVIL AND CRIMINAL PENALTIES. THE OWNER OF EACH LOT SHALL BE AWARE THAT THE PROPERTY WITHIN THIS SUBDIVISION MAY BE INCLUDED WITHIN THE BOUNDARIES OF A SEWER SYSTEM IMPROVEMENT DISTRICT AND ASSESSED FOR THE COST OF CONNECTION FOR EACH LOT, AND APPLICABLE TAP FEES, AT SUCH TIME AS THE TOWN, IN ITS DISCRETIONS, DEEMS IT ADVISABLE TO CAUSE THE CREATION FOR SUCH DISTRICT.

NOTE 6. RESERVED NOTE REGARDING CDOT ACCESS PERMIT REQUIREMENTS. FOUR WINDS AT RIDGWAY, LLC IS COMPLETING A TRAFFIC ANALYSIS THAT WILL BE SUBMITTED TO CDOT FOR REVIEW AND COMMENT. SUBDIVISION REGULATIONS SECTION 7-4-7(C) ESTABLISHES THAT "ACCESS TO ANY PUBLIC HIGHWAY UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF HIGHWAYS SHALL BE SUBJECT TO THE PROVISIONS OF THE STATE HIGHWAY ACCESS CODE".

NOTE 7. ASSUMPTIONS FOR OWTS LAYOUT

- TYPE 2A SOILS, LTAR = 0.5
- 5 BEDROOMS PER LOT
- INFILTRATORS W/ PRESSURE DOSING STA BEDS

TYPICAL OWTS CALCULATIONS

- 5 X 2 X 75 = 750 GPD
- 750/0.5 = 1500 SQ. FT.
- 1500 X 1.0 (PRESSURE DOSED BED FACTOR) = 1500 SQ. FT.
- 1500 X 0.7 (WITH INFILTRATORS) = 1050 SQ. FT.
- AVERAGE BED = 12' X 88' = 1056 SQ. FT.

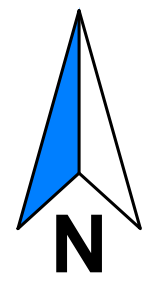
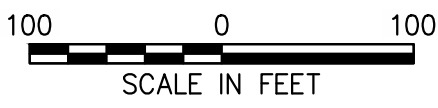
NOTE 8. THE FOUR WINDS DESIGN REGULATIONS WILL PROVIDE REGULATIONS FOR MITIGATING ANY VISUAL IMPACTS CAUSED BY HOMES LOCATED ON THESE LOTS.

NOTE 9. SHORT-TERM RENTALS WILL BE PROHIBITED IN THE SUBDIVISION BY PLAT NOTE AND THROUGH THE SUBDIVISION DECLARATION.

NOTE 10. ADUs WILL BE PERMITTED IN THE FOUR WINDS SUBDIVISION IF PERMITTED BY THE PLANNING COMMISSION AS A PART OF THE SKETCH PLAN REVIEW.

SETBACKS		
	REQUIRED	PROPOSED
FRONT	15'	25'
SIDES	8'	20'
BACK	5'	20'

- LEGEND
- GRAVEL ROAD
 - 100' X 150' DISTURBANCE ENVELOPE. SEE NOTE 1 ABOVE
 - ASSUMED PRIMARY AND SECONDARY STA BEDS, 12' X 88' EACH. SEE NOTE 7 ABOVE
 - TP #1 OWTS FEASIBILITY TEST PIT



REVISIONS	
REV	DATE

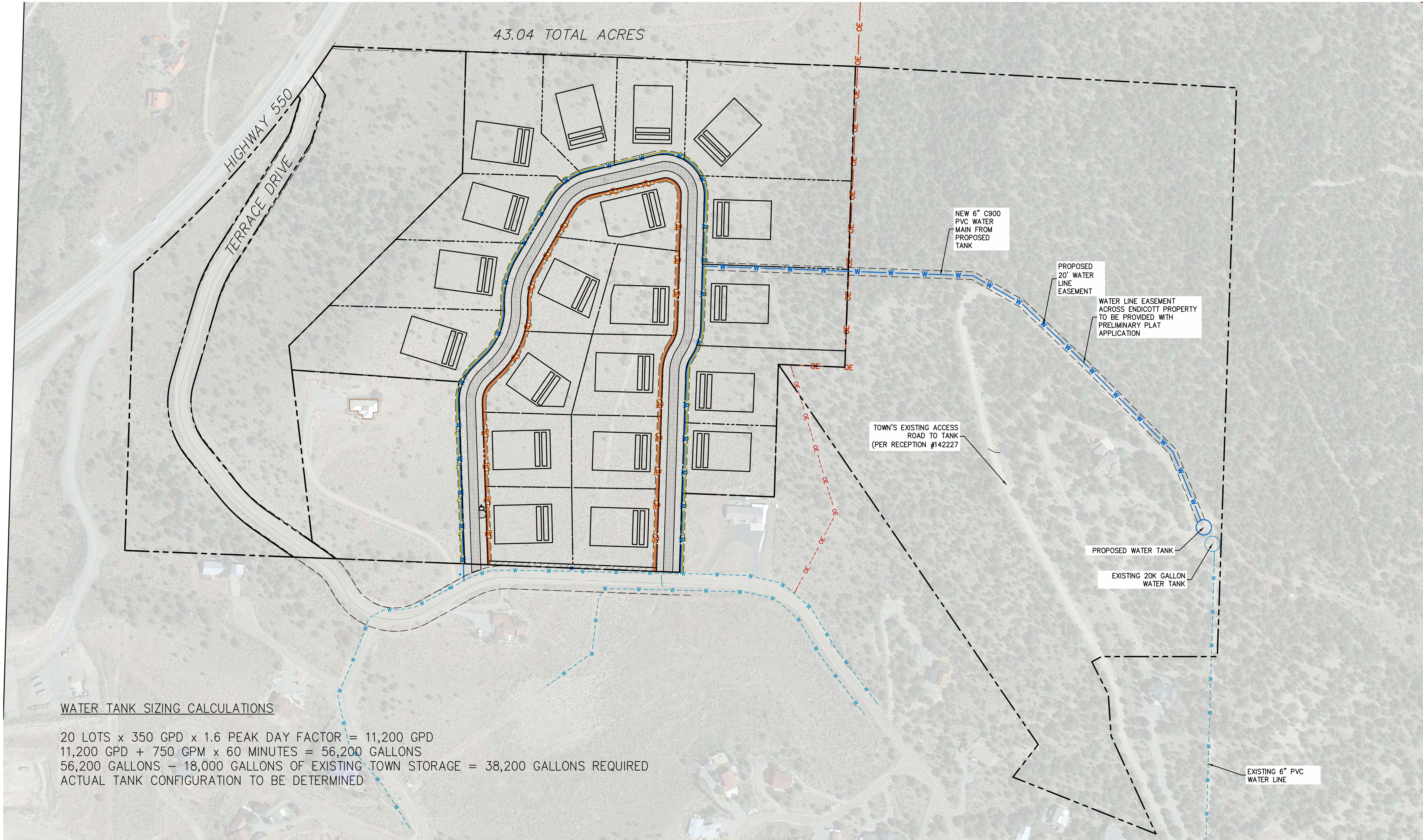
BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

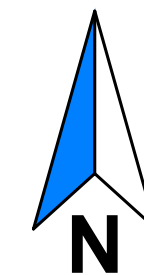
FOUR WINDS AT RIDGWAY
SKETCH PLAN
PROPOSED IMPROVEMENTS

PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	
SHEET	
SP-5	
SHEET 5 OF 10	

T:\CIVIL\2022-018-CIV Four Winds Subdivision\65CAD\CB-FOUR WINDS.dwg PLOT DATE 2023-3-13 11:55 SAVED DATE 2023-03-13 11:52 USER: wldgate



125 0 125
SCALE IN FEET



REVISIONS		BY
REV	DATE	DESCRIPTION

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY

SKETCH PLAN
CONCEPTUAL WATER LAYOUT

PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	
SHEET	
SP-6	
SHEET 6 OF 10	



NOTE: CLASS 2 AND CLASS 6 AGGREGATE BASE COURSES SHALL BE COMPACTED TO MINIMUM OF 95% MAXIMUM DENSITY OF MODIFIED PROCTOR (AASHTO T-180)

[illegible]

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

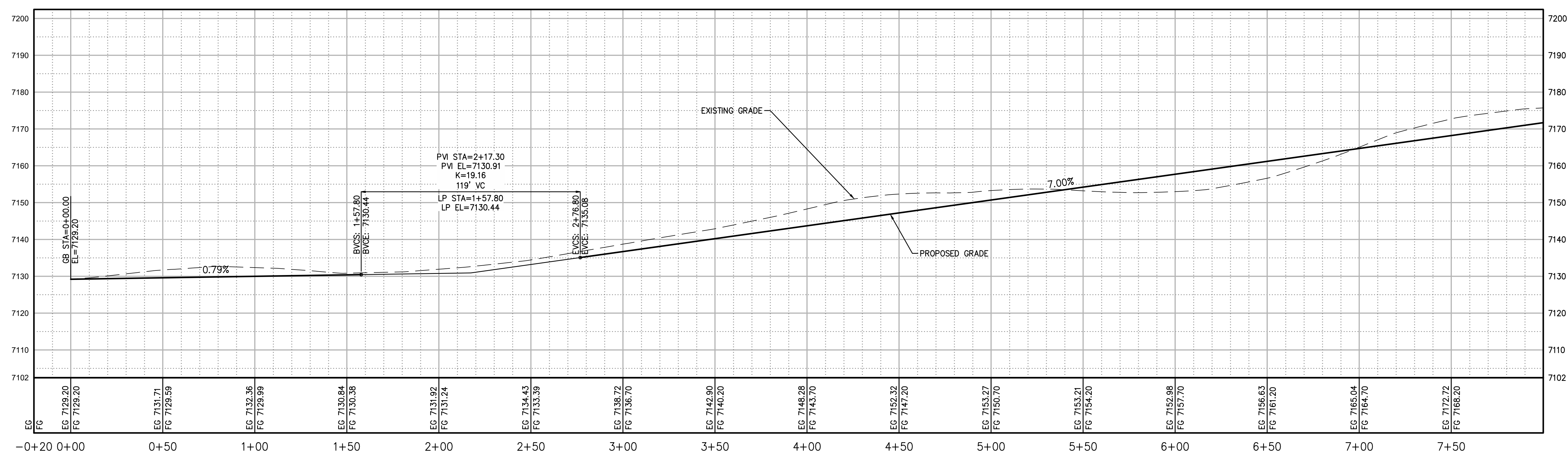
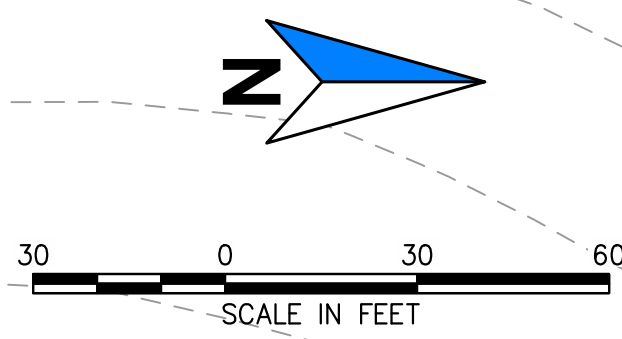
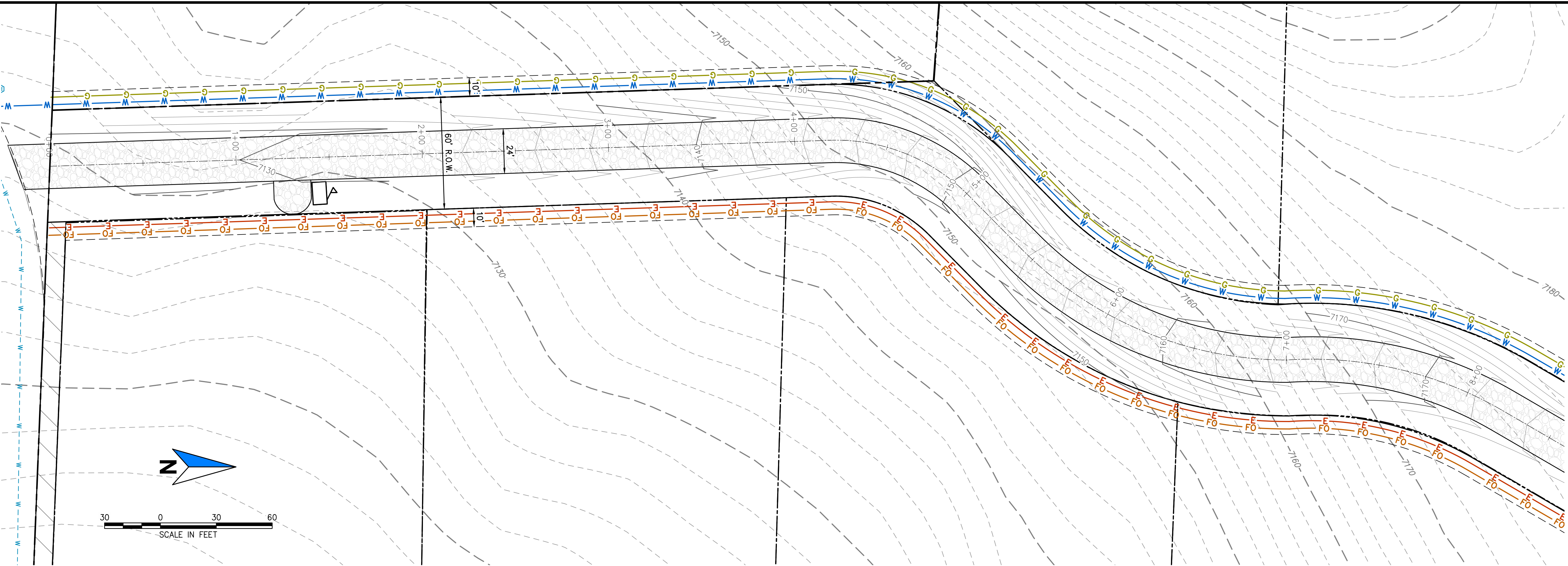
FOUR WINDS AT RIDGWAY

SKETCH PLAN DETAILS

PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	

SHEET
SP-7
SHEET 7 OF 1

T:\CIVIL\2022\018-CIV Four Winds Subdivision\65CAD\SH-PP-FOUR WINDS.dwg PLOT DATE: 2023-03-13 11:55 SAVED DATE: 2023-03-13 11:27 USER: wldgate



ISSUED
FOR REVIEW

REVISIONS		BY
REV	DATE	DESCRIPTION

BUCKHORN
ENGINEERING

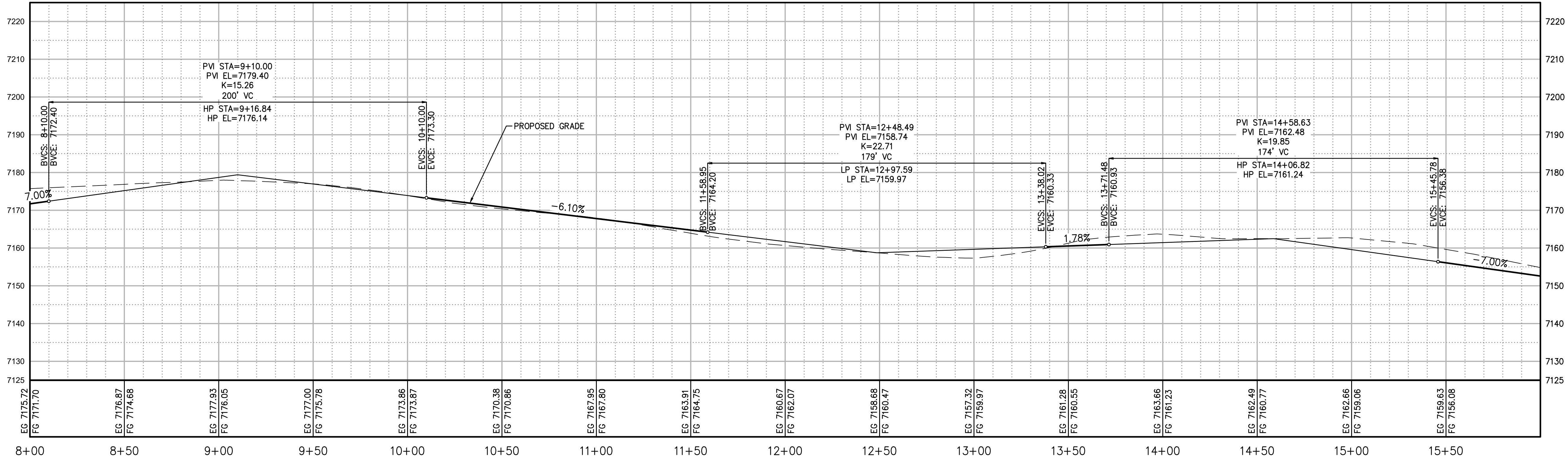
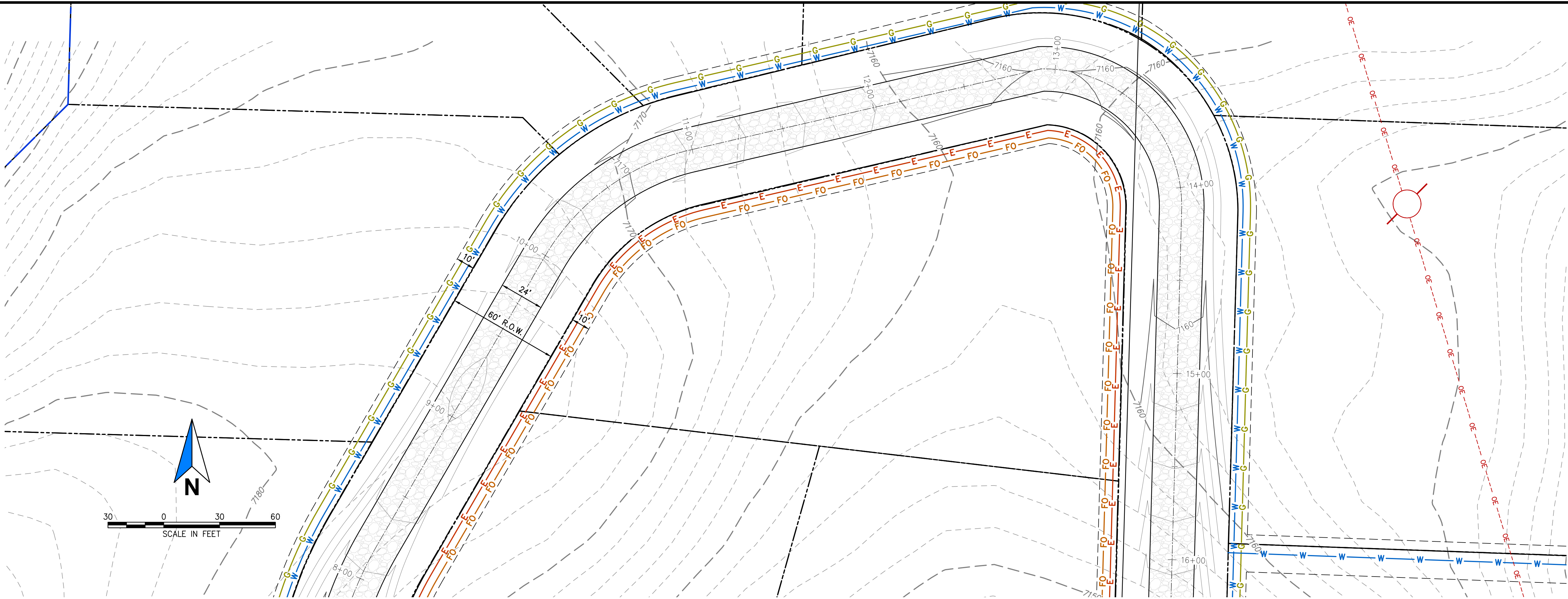
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY
PRELIMINARY PLAN
ROAD PLAN & PROFILE (1 OF 3)

PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DQ
BUCKHORN ENGINEERING	

SHEET
SP-8
SHEET 8 OF 10

T:\CIVIL\2022-018-CIV Four Winds Subdivision\65CAD\SH-PP-FOUR WINDS.dwg PLOT DATE 2023-03-13 11:55 SAVED DATE 2023-03-13 11:27 USER: wldgate



**ISSUED
FOR REVIEW**

REVISIONS		BY
REV	DATE	DESCRIPTION

BUCKHORN
ENGINEERING

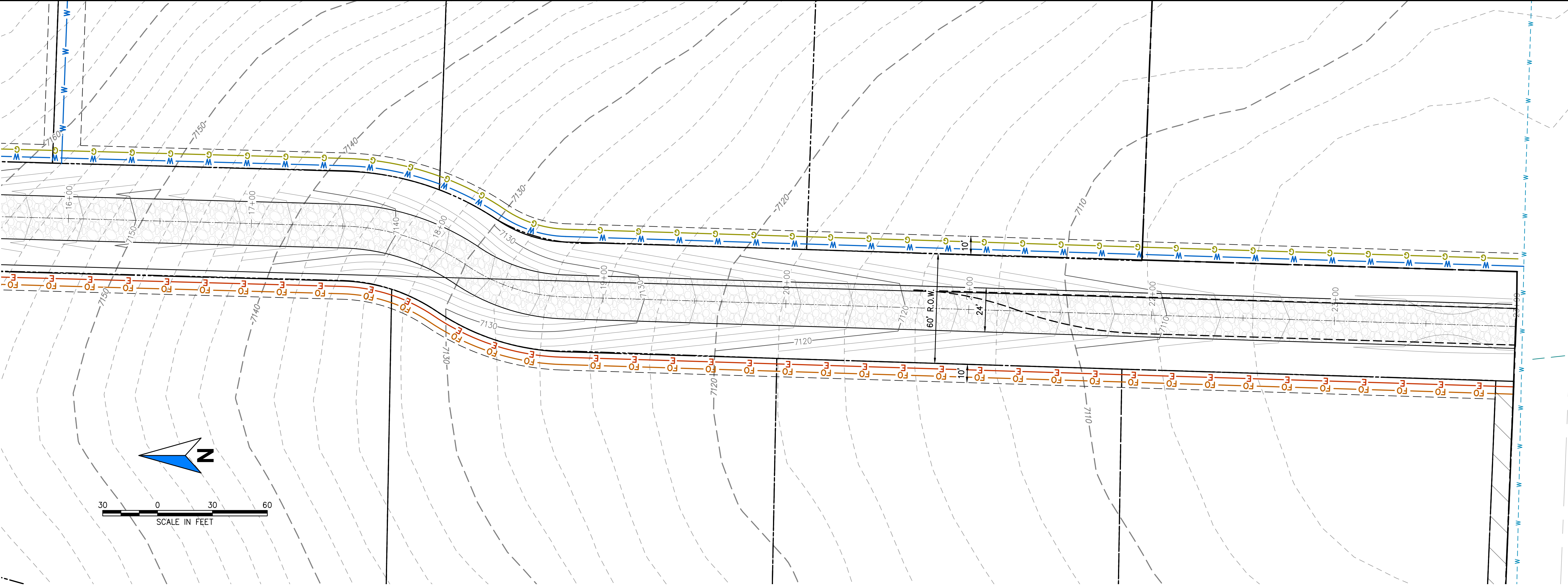
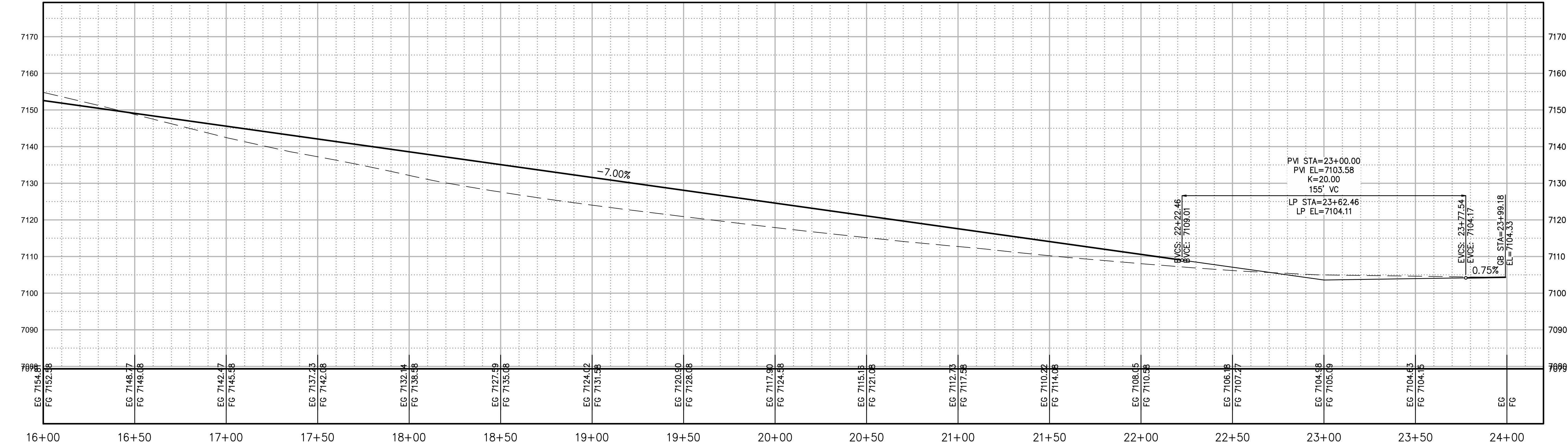
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY
PRELIMINARY PLAN
ROAD PLAN & PROFILE (2 OF 3)

PROJECT 2022-018-CIV
DATE 03/13/2023
DRAFTER WL
CHECKED DQ
BUCKHORN ENGINEERING

SHEET
SP-9
SHEET 9 OF 10

T:\CIVIL\2022-018-CIV Four Winds Subdivision\65CAD\SH-PP-FOUR WINDS.dwg PLOT DATE 2023-03-13 11:55 SAVED DATE 2023-03-13 11:27 USER: wldgate



PROJECT	2022-018-CIV
DATE	03/13/2023
DRAFTER	WL
CHECKED	DQ
BUCKHORN ENGINEERING	

FOUR WINDS AT RIDGWAY
PRELIMINARY PLAN
ROAD PLAN & PROFILE (3 OF 3)

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

REVISIONS		BY
REV	DATE	DESCRIPTION

**ISSUED
FOR REVIEW**

SHEET
SP-10
SHEET 10 OF 10

Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



Town of Ridgway Planning Commission

Sent via email to: pneill@town.ridgway.co.us

January 18, 2023

Dear Planning Commission Members,

The Four Winds Subdivision Sketch Plan application was continued from the August 30, 2022 and January 10, 2023 Planning Commission meetings to the January 31, 2023 meeting to allow time for the Four Winds team to further address the following topics, with our comments on how addressed shown in [blue text](#):

1. **Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.** An updated Traffic Impact Study is included as Exhibit A that was provided to CDOT. CDOT has jurisdiction over the highway access and safety pursuant to Ridgway Municipal Code ("**RMC**") Section 7-4-7(C)(3) as follows:

"(3) Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code."

CDOT requested additional traffic counts and revisions to the Traffic Impact Study, with the new traffic counts completed in January and the revised study submitted to CDOT. We are respectfully requesting that the Four Winds Sketch Plan approval include a condition that CDOT will issue an access permit for the subdivision prior to submitting for the Preliminary Plat. The Four Winds developer understands that he is responsible for any required CDOT improvements that may include a CDOT requirement for a center turning lane. The developer is also supportive of public-private efforts to request CDOT to reduce the speed limit along the highway to ease pedestrian and bicycle crossing to the existing trail leading to the River Park. The developer is also willing to make a significant financial contribution to either an overpass or underpass of Highway 550 where it makes sense for trail/sidewalk users based on a sidewalk/trails plan for the area. If the Town does not want the proposed new trail on private open space leading to the current highway crossing, the trail will be removed from the plans.

2. **Lack of secondary access to Vista Terrace Subdivision.** The developer has negotiated an emergency only access easement agreement for all of Vista Terrace as shown in Exhibit B. Also as part of Exhibit B and attached thereto is an email confirmation from the Grantors' attorney acknowledging the Grantors' approval of the easement. This easement crosses land owned by the Estate of Bernadine Endicott as well as land owned by Four Winds Ranch I LLLP and Four Winds Ranch II LLLP. This emergency access easement will not be executed, recorded nor become effective until the Town's approval and recordation of the final plat. As an aside but important to the process is to note that this huge community benefit could not have been accomplished but for the applicant's expenditure of great effort and resources.
3. **Reduce the proposed density and number of accessory dwelling units.** Four Winds, LLC has decided to completely prohibit all accessory dwelling units in the proposed subdivision to mitigate traffic and density concerns. The proposed number of free market lots cannot be reduced since that would make the subdivision financially infeasible, especially in light of the potential CDOT requirement for a center turning lane on Highway 550.

The proposed density is one unit per 2.2 acres while the existing density in Vista Terrace Filing No. 1 is one unit per 1.6 acres. Therefore, the proposed density is less than existing Vista Terrace density. The proposed density is also clustered on the Property with over twice the amount of open space found in Vista Terrace Filing No. 1 with 12.74 acres of open space compared to only 5.37 acres of open space currently platted in Vista Terrace. The proposed density is also in line with the density range envisioned in the Ridgway Master Plan that allows from 0.1 to 1 dwelling unit per acre that translates to a density range of 4 units to 43 units total on the 43.04 acres. The 20 proposed lots lie right in the middle of the Master Plan's envisioned density. The proposed density was also the Vista Terrace Homeowners Association desired density under the past subdivision proposed by Robert Savath. The subdivision as designed with 20 lots is marginally profitable with CDOT potentially requiring a center turn lane on Highway 550.

The proposed subdivision density will be done in a very sensitive manner with the measures described in the Sketch Plan narrative, including 10,000 sq. ft. disturbance envelopes, preservation of sage habitat, minimum solar energy, wildlife mitigation provisions, and modern design guidelines to ensure homes sensitively fit into each lot. The project engineer evaluated septic feasibility and found that the soils conditions easily accommodate an On-site Wastewater System that will meet State and County regulations. Each homesite will require connection to central sewer service if and when the Town is able to extend sewer to the area. The water system will be upgraded to accommodate the required storage and delivery for the proposed subdivision. The Town has indicated that it has water capacity for the intended development via the recent water study, and water conserving measures will be included in the subdivision design requirements via design standards, covenants and plat notes. Secondary emergency access is provided out of the subdivision if the short road segment is blocked or if Terrace Drive is blocked. Electric and natural gas services are available to serve the proposed density. One unit per 2.2 acres is a rural level of density, with development clustered into 30.3 acres and 12.74 acres of open space that also functions as wildlife habitat.

4. **Visual impact of development along the ridgeline.** A visual analysis was completed for the subdivision using poles that were 35 feet tall as shown in Exhibit C. Lots 7, 8, 9 and 10 do not break the skyline above the mountain backdrop and do not project over the geographic ridge. Out of 20 lots, only four lots will have homes that are visible over the geographic ridge but not over the mountain backdrop with blue skies maintained. Development within the Town is not subject to the County's Visual Impact Regulations; the RMC does not regulate development on ridgelines. The proposed subdivision complies with CHR-6.3 as follows:

"POLICY CHR-6.3: Ridgeline Protection

Encourage the use of clustering, flexible setbacks, height limitations, and other site planning techniques to minimize the visual impact of ridgeline development when viewed from public rights of way."

The Four Winds Subdivision is clustered at the rear of the property away from Highway 550 with two open space tracts containing 12.74 acres designed as buffers. The development lots are significantly setback from the Highway 550 corridor with the closest lot line approximately 346 feet from the highway right-of-way, and a range of up to approximately 414 feet. The developer will create design guidelines for Lots 4-7 to minimize visual impacts with the Preliminary Plat submittal, such as the use of natural colors and materials that blend with the ridgeline. The Town's Intergovernmental Agreement with Ouray County on the Urban Growth Boundary was created to focus development in the Town of Ridgway and to "protect visual corridors and in so doing retain community identity", with areas outside of the Town maintained in a more natural or agrarian nature. It is clearly recognized that there will be visual impacts along Highway 550 and 62 through the Town and the Urban Growth Area in order to protect views outside of it in the agricultural areas.

5. **Preference to connect to sanitary sewer services to serve this project rather than OWTS.** Buckhorn Engineering conducted soils testing and found the soils are well suited to the design of septic systems as shown in Exhibit D. Buckhorn Engineering also analyzed the feasibility of connecting to the central sewer service as shown in Exhibit E. In summary, the use of septic systems is very feasible, and it is very infeasible, based on the size of this

development versus the cost to connect to the current Town sewer system. The economics of such a requirement simply do not work and will prohibit the development of this otherwise outstanding project and make null and void the other community benefits that will be realized if this development is approved. Town staff also recommended the use of septic systems for the subdivision. The current plat for the property also allows for the use of septic systems for the development of the property by a specific platted plat note that states:

“A Town sewer system is not available to serve Lots 1 and 2 of this subdivision. No building permit or other development permit shall be issued for any Lot until Individual Sewage Disposal System Permit (ISDSP) has been issued. In order for an ISDSP to be issued, the applicable requirements of Colorado statutes and regulations, and Town Regulations, if any, as in effect from time to time, must be met. The Town shall have no responsibility on account of its denial of an ISDSP for any lot which cannot meet the requirements and applicable law.

It shall be the responsibility of the owner of any lot to maintain any permitted individual sewage disposal system in good operating order in accordance with State law. Failure to maintain a system can result in civil and criminal penalties.

The owner of each lot shall be aware that the property within this subdivision may be included within the boundaries of a sewer system improvement district and assessed for the cost of connection for each lot, and applicable tap fees, at such time as the Town, in its discretion, deems it advisable to cause the creation for such district.”

Concurrent with the review of the annexation petition that included the Four Winds Subdivision property, the Town and the underlying property owners entered into a Water and Sewer Agreement for the Vista Terrace Addition dated May 4, 1981 (“**Vista Terrace Water and Sewer Agreement**”) that remains effective that includes the following policy:

“The Town has no present plans to extend a sewer main to Developers’ property [Vista Terrace Addition] and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewer main is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewer line and the owner of the building shall pay any connection and tape fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.”

Connection to sewer remains unfeasible 42 years later with this policy still in effect.

6. **The project is located outside of the Initial Growth Boundary (“IGB”) as identified in the 2019 Master Plan.** The Ridgway Master Plan’s (“**Master Plan**”) Initial Growth Boundary policy is found under the Growth Framework and states:

“Initial Growth Boundary (IGB)

The IGB delineates the area within which the Town will encourage urban levels of development in the next ten to twenty years. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided. The purpose of the IGB is to support the community’s desire to grow in an orderly, logical and sequential pattern outward from the existing town core. In general, urban levels of development outside the IGB would be considered premature until substantial development has occurred within the boundary.”

Encouraging development does not mean that the Town can prohibit any development applications outside of the IGB. While the community desires to grow from the existing town core outward, there is no specific and objective Master Plan policy, goals or actions that states no subdivision applications can be submitted outside of

the IGB. Policies such as that would be a takings of property rights, with the Property annexed and zoned by the Town to allow for development based on the underlying permitted uses and dimensional standards. The Town approved the annexation and zoning of the property with the understanding that it would someday be subdivided, and arbitrarily placing it outside the IGB cannot prevent its development with reasonable uses as envisioned by the Master Plan. Property owners may propose development consistent with the zoning that is also in general conformance with most of the master plan policies.

The Four Winds' property is also located within the Town's Urban Growth Boundary ("UGB") that was established to "...direct growth...in the Urban Growth Management Area..." The Four Winds site is located within the incorporated area of the Town and the Residential Zone District. The underlying zoning allows for the development of the Property with landowners expecting reasonable use of the property.

A review of the prior 2011 Town of Ridgway Land Use Plan showed the establishment of the first IGB that had it as an actual goal as follows:

"Promote a sustainable and complementary development pattern within the rural landscape outside of the Initial Growth Boundary, but within the Urban Growth Boundary/Urban Growth Management Area and Area of Influence."

We only include this to show that the prior plan allowed for reasonable use of properties outside of the IGB with specific goals and objectives for such development focused on rural type development. The current Master Plan policy reiterates this desire for rural development outside of the IGB by focusing urban development within the IGB. We assert that rural development outside of the IGB is allowed by the Master Plan IGB section that is reinforced by the Master Plan's Future Land Use Map. There are also no specific and objective Master Plan goals or actions for the IGB like the 2011 Land Use Plan.

The Town has allowed for rural development outside of the IGB with the River Sage Addition development that was approved and recorded in January of 2020, and after the adoption of the 2011 Land Use Plan. We are seeking a similar approval for a rural density on zoned land that was annexed, zoned and platted long before River Sage was contemplated by the town with an understanding that the property would be someday subdivided.

7. **CPW's concerns with the impact the development could have on wildlife habitat.** The concluding statement of the CPW's referral follows:

"We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don't recommend perimeter lot
- fencing, especially in big game winter range, if it were ever allowed it should
- follow CPW's *Fencing with Wildlife in Mind* guidelines
- Containing dogs within fenced yard and / or dog run and requiring dogs to kept
- on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures

There is no way to truly mitigate the loss of the winter range habitat but improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision."

The developer has 500 acres of prime elk habitat and is planning on placing a conservation easement on the Property. He does not want to be tied to this as a part of the subdivision given the CPW's support of the project; the property is located within the UGMA that was established to protect wildlife habitat outside of the Town boundary; and the Town has approved a similar project in winter habitat with the River Sage Subdivision and its recent 2020 addition.

We look forward to further discussing the Four Winds Subdivision with Town staff and the Planning Commission at its January 31, 2023 meeting.

The Planning Commission should also refer to the originally submitted sketch plan narrative and plan set that provides more details and foundation in support of the proposed subdivision.

Respectfully Submitted,

Chris Hawkins, AICP
Alpine Planning, LLC

Traffic Impact Study

To: Buckhorn Engineering
222 S. Park Ave., Montrose, CO
81401

Date: Jan 18, 2023

Project No.: 1122121

From: Nicholas J. Westphal, PE
Dibble
2696 S. Colorado Blvd., Ste 330
Denver, CO 80222

Subject: Four Winds Subdivision



1. Introduction and Background

Four Winds Subdivision is proposed along Terrace Drive, accessed from State Highway 550 (SH-550) near milepost 105, approximately one mile north of Sherman Street and the Town of Ridgeway. The proposed subdivision is part of Ouray County parcel number 430509400146 and the western portion of parcel 430516101001 as depicted in Figure 1.

Vista Terrace Estates is an existing subdivision also along Terrace Drive. This subdivision consists of 59-lots, of which 48 have been developed and 11 are undeveloped. The proposed Four Winds Subdivision is designed to have 20 lots.

The purpose of this Study is to analyze the potential traffic impact to the intersection of SH-550 and Terrace Drive and to provide recommended roadway improvements for mitigation if any are determined to be warranted.

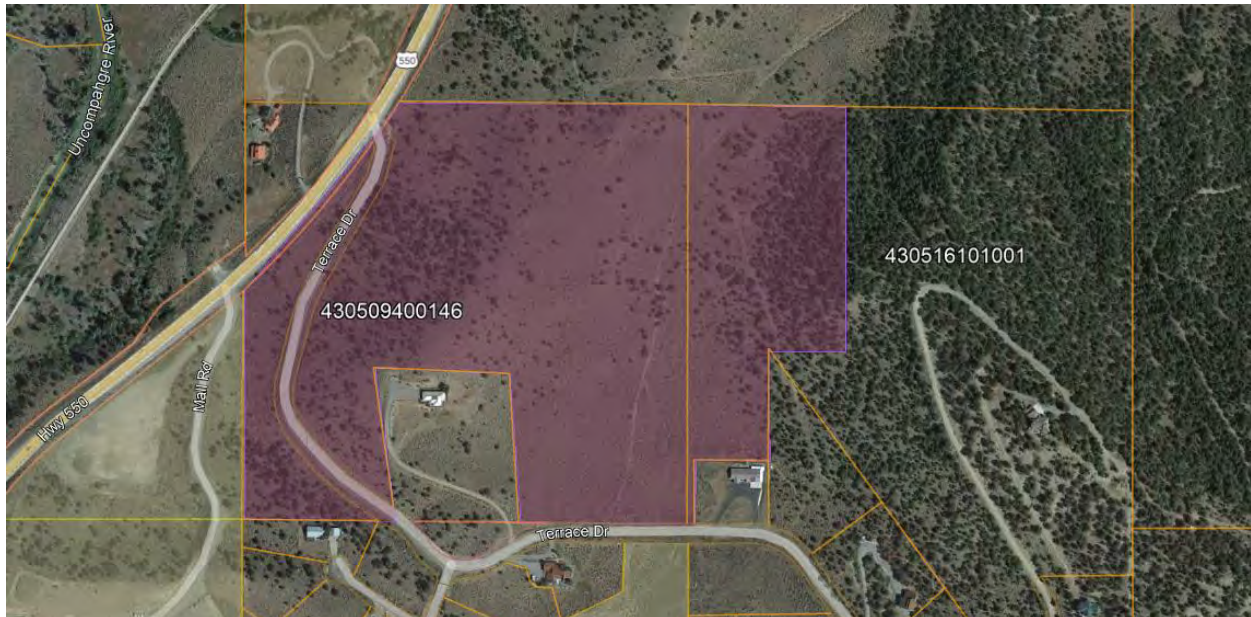


Figure 1 – Four Winds Subdivision Boundary

2. Study Area/Site Access

The Study Area for this analysis is the intersection of SH-550 and Terrace Drive. SH-550 is a regional two-lane undivided highway running north/south, classified as a Principal Arterial. The posted speed limit is 60 miles per hour. The Town of Ridgeway is approximately one mile south of the intersection. There is an existing deceleration lane for northbound traffic turning right from SH-550 to Terrace Drive. There is also an existing northbound acceleration lane for traffic turning right onto northbound SH-550 from Terrace Drive. SH-550 information from CDOT's Straight Line Diagram (SLD) can be found in Appendix A.

Terrace Drive is a local gravel roadway which turns right and increases in elevation immediately after accessing the roadway from SH-550. Terrace Drive is stop controlled at SH-550. Images from the intersection can be seen in Figures 2 through 4 below.



Figure 2 – SH-550 at Terrace Drive, Looking South



Figure 3 – SH-550 at Terrace Drive, Looking North



Figure 4 – SH-550 at Terrace Drive, Looking Southeast

3. Background Traffic

Traffic data was obtained from the CDOT Online Transportation Information System (OTIS). 24-hour counts were conducted by CDOT in June 2020. Buckhorn Engineering conducted peak hour (PH) traffic counts from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM on June 22, 2022 and on January 10, 2023. The traffic data from the June Buckhorn counts was similar to the traffic data from OTIS. Traffic data can be found in Appendix B.

The June 22, 2022 traffic counts were provided in two-hour blocks and the peak hour traffic was assumed to be 60 percent of the 2-hour traffic. The January 10, 2023 traffic counts were provided in 15-minute blocks and the peak hour was determined to be from 7:30 to 8:30 in the AM and 4:30 to 5:30 in the PM. The peak hour traffic for 2022 and 2023 is shown in Figure 5 and Figure 6, respectively. The 2022 peak hour traffic was used for this analysis since it shows higher traffic volumes.

It is noted that the traffic volumes for Terrace Drive in the peak hour is significantly less than expected. The expected trips during the peak hour for 48 Single-Family Detached Housing lots per the ITE Trip Generation Manual, 11th Edition is 38 (10 entering and 28 exiting) in the AM peak hour and 50 (31 entering and 19 exiting) in the PM peak hour.

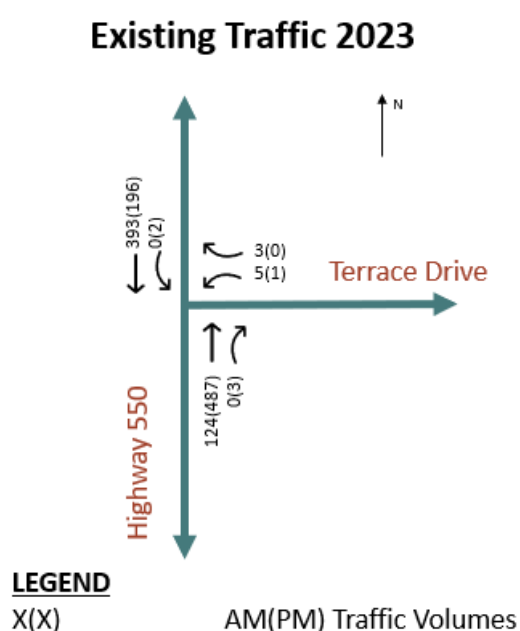
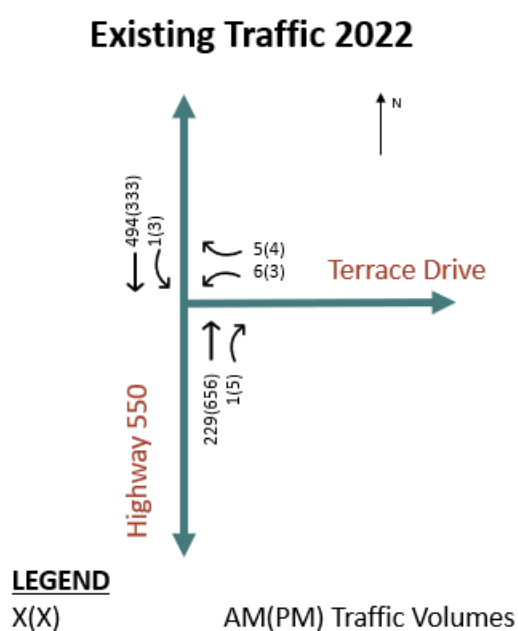


Figure 5 – Existing PH Traffic 2022

Figure 6 – Existing PH Traffic 2023

4. Trip Generation and Distribution

Trip generation was determined using the ITE Trip Generation Manual, 11th Edition. The land use used for this trip generation calculation is Single-Family Detached Housing and the trips were calculated using the fitted-curve equation. The proposed subdivision has 20 dwelling units, and the resulting generated trips are summarized in Table 1.

Vista Terrace Subdivision has 11 undeveloped lots. The 11 lots will generate traffic once developed and therefore need to be accounted for in future traffic modeling. The trip generation was calculated for 11 lots using the fitted-curve equation for Single-Family Detached Housing dwelling units and is shown in Table 2.

Table 1 – Trip Generation Summary for Four Winds Subdivision

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	20	230	115	115	17	4	13	22	14	8

Table 2 – Trip Generation Summary for Vista Terrace Subdivision Undeveloped Lots

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	11	132	66	66	10	2	8	12	8	4

The Town of Ridgeway is located south of this intersection, is the closest service center, and is where schools are located. However, most major shopping and destinations are north of the intersection in the City of Montrose. Based on this, and the existing trip distribution from Terrace Drive, it was assumed that 50% of the traffic would enter and exit from the south while the remaining 50% would enter and exit from the north. The estimated generated trips were added to the current background traffic. Combined traffic is depicted in Figure 7.

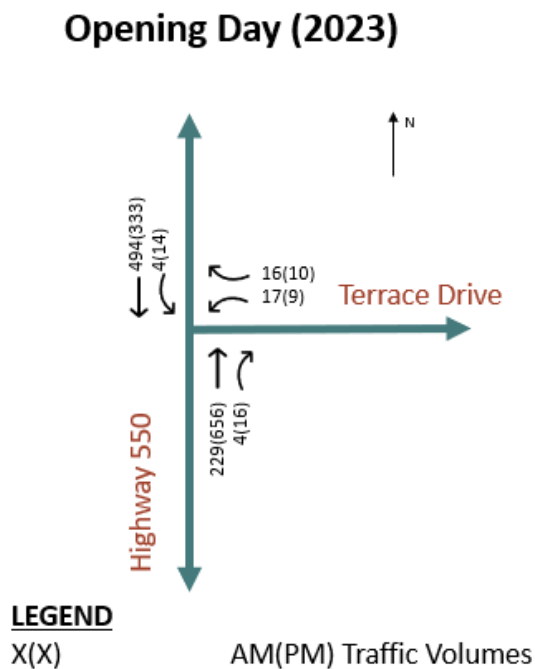


Figure 7 – Combined Existing (2022) PH Traffic and Development Generated Trips

5. Future Traffic

A growth factor of 1.18 was applied to the existing traffic volumes to project the 20-year traffic. The 1.18 value was obtained from OTIS. These results were combined with the generated trips from the proposed Four Winds subdivision and the Vista Terrace subdivision and are depicted in Figure 8.

Future Total Traffic (2042)

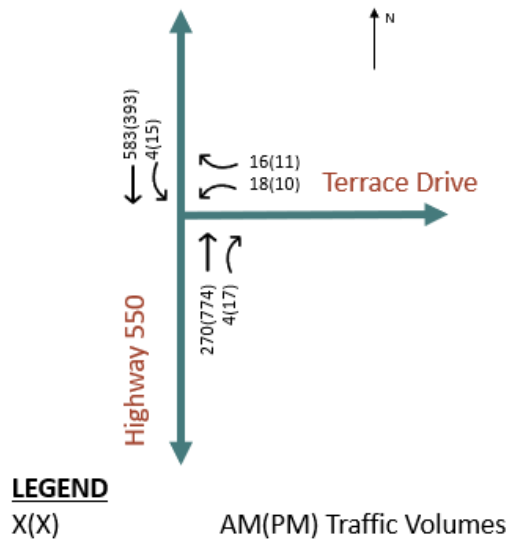


Figure 8 – Combined Future (2042) PH Traffic and Development Generated Trips

6. Level of Service Analysis

Capacity analysis was conducted using the Synchro 11 software. The resulting level of service (LOS) and delay for each scenario is shown in Tables 3 through 6. Level of service A is maintained on SH-550 and level of service B/C is maintained on Terrace Drive.

Table 3 – Existing (2022) PH Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	12.2	B	12.2	B	0.0	A	0.0	A	7.7	A	0.0	A
	PM	15.3	C	15.3	C	0.0	A	0.0	A	9.1	A	0.0	A

Table 4 – Existing (2022) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	13.0	B	13.0	B	0.0	A	0.0	A	7.8	A	0.0	A
	PM	16.8	C	16.8	C	0.0	A	0.0	A	9.2	A	0.0	A

Table 5 – Future (2042) PH with no New Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.2	B	14.2	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	19.2	C	19.2	C	0.0	A	0.0	A	9.6	A	0.0	A

Table 6 – Future (2042) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.4	C	20.4	C	0.0	A	0.0	A	9.7	A	0.0	A

7. Auxiliary Lanes

Section 3.8(5) of the of the State of Colorado State Highway Access Code provides guidance for auxiliary lanes at accesses along Regional Highways. A right turn deceleration lane and acceleration lane have already been constructed.

Per the Access Code, “a left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vph. The taper length will be included within the required deceleration length.” The proposed traffic is projected to have 14 southbound vehicles turning left in the peak hour after full build out and 15 during the 20-year horizon year. Therefore, a left turn deceleration lane is required.

Per the Access Code, “a left turn acceleration lane may be required if it would be a benefit to the safety and operation of the roadway or as determined by subsection 3.5. A left turn acceleration lane is generally not required where; the posted speed is less than 45 mph, or the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.” An access to a Ouray County Road and Bridge facility exists approximately 680-feet south of Terrace Drive which would conflict with an acceleration lane; therefore, a left-turn acceleration lane is not recommended at this intersection.

The level of service was analyzed in the 2042 horizon year with the southbound left-turn deceleration lane. The delay is reduced slightly in the PM peak hour for westbound traffic and all other delays remain the same as shown in Table 7.

Table 7 – Future (2042) PH with Full Development Traffic LOS and SB Left-Turn Lane

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.2	C	20.2	C	0.0	A	0.0	A	9.7	A	0.0	A

8. Traffic Crash Analysis

Traffic crash data was obtained from CDOT's Crash Data Dashboard. The data reviewed included years 2016 through 2020.

- There were 24 crashes between mileposts 104 and 105 during the five-year period.
- Three of the 24 crashes appear to be at the study area intersection and are animal related.
- Three of the 24 crashes involved more than one vehicle. Two of those were sideswipes by vehicles traveling in opposite directions, and one was a rear end south of the study intersection.

There does not appear to be an existing safety issue at the intersection based on crash data. A summary of the crash data between mileposts 104 and 105 can be found in Appendix C.

9. Conclusion and Recommendations

Vista Terrace Subdivision has 59 single-family lots, 48 of which have been developed and 11 remain to be developed. Four Winds Subdivision will add 20 additional single-family lots. Both subdivisions use Terrace Drive as an access to SH-550. Section 3.8(5) of the of the State of Colorado State Highway Access Code requires a southbound left-turn lane based on the expected trips generated by the Four Winds subdivision and the remaining Vista Terrace subdivision.

Per the ITE Trip Generation Manual, 11th Edition, the following trips should be expected for each subdivision.

- Vista Terrace Subdivision (59-lots)
 - 48 AM Trips (12 Entering and 36 Exiting)
 - 62 PM Trips (39 Entering and 23 Exiting)
- Four Winds Subdivision (20-lots)
 - 17 AM Trips (4 Entering and 13 Existing)
 - 22 PM Trips (14 Entering and 8 Existing)

Assuming 50 percent of the traffic is arriving from the north, then the expected southbound left turns generated during the PM peak hour by Vista Terrace is 19 and by Four Winds is 7. It is noted that the existing traffic does not reflect the volume of traffic expected per the ITE Trip Generation Manual; however, the Colorado State Highway Access Code requires the use of the ITE Trip Generation Manual to determine the need for auxiliary lanes. Based on this analysis, a southbound left-turn lane should have been recommended when Vista Terrace was developed since it generates more than 10 expected trips.

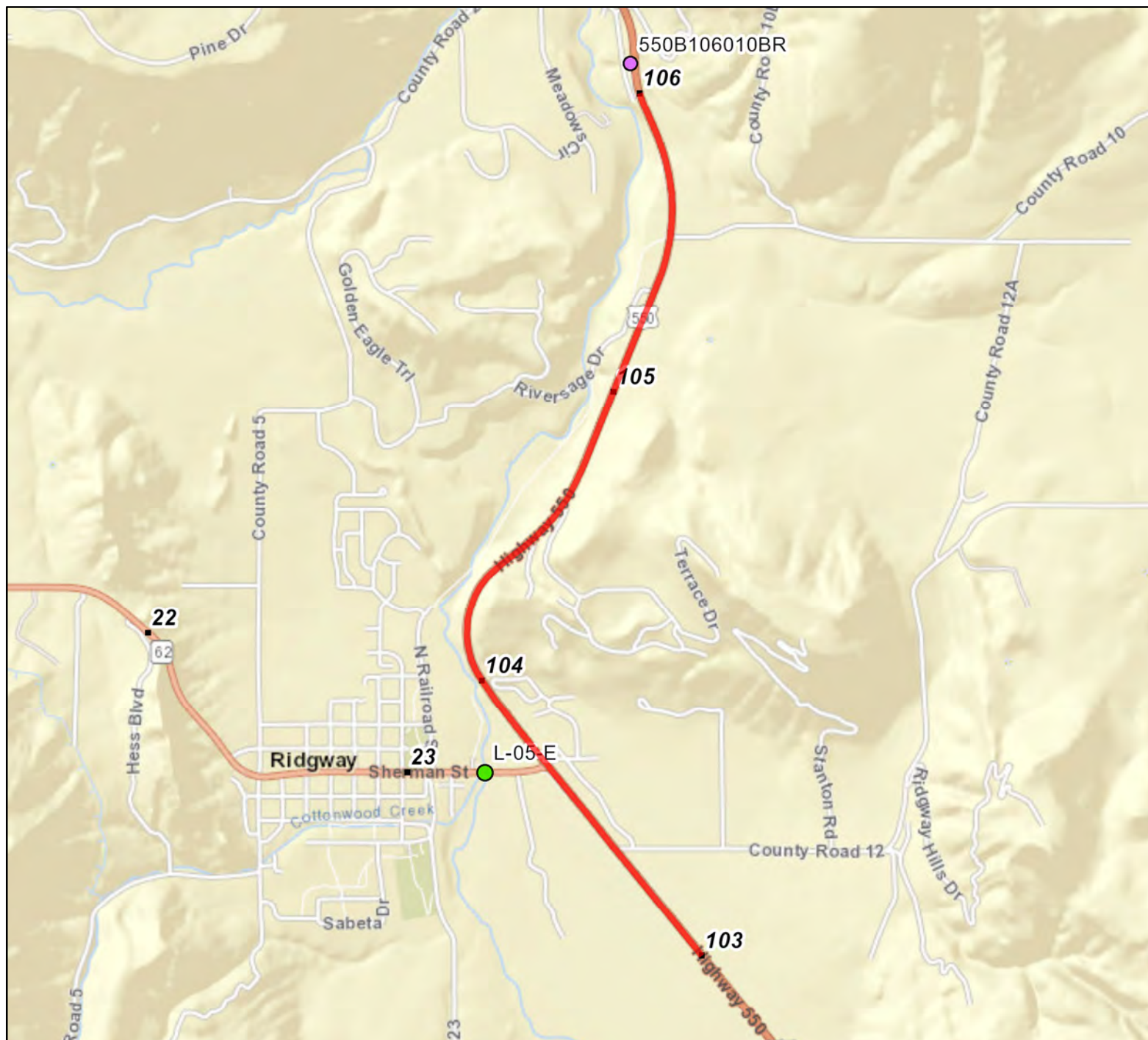
The level of service is maintained for all directions at the intersection with the additional development traffic and there does not appear to be any existing safety issues based on crash data between 2016 and 2020.

Recommendation: Construct a southbound left-turn deceleration lane with taper and storage length per the requirements of the Colorado State Highway Access Code.

Appendix A

CDOT Straight Line Diagram (MP 104-105)

Route 550B From 103 to 106



Legend

Route

Milepoint

Structures

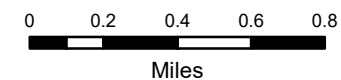
Major Structure

Minor Structure

Created:

Date: 7/5/2022

Time: 9:49:19 PM



The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".



CLASSIFICATION

Access Control	R-A: Regional Highway		NR-B: Non-Rural Arterial
Functional Class	3 Principal Arterial - Other		
Highway Designation	U.S.		

SAFETY

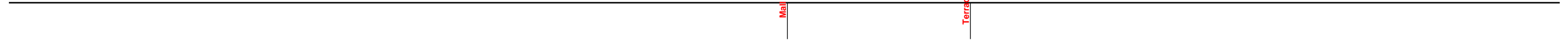
Primary Speed Limit	60	45	60
Secondary Speed Limit	60	45	60

TRAFFIC

AADT	4800	5600	8700
DHV	15.5		11.5
Off Peak Truck Percentage	5.10	6.20	5.30
Peak Truck Percentage	0.26	0.68	0.54
V/C Ratio	0.35	0.38	0.42
V/C Ratio 20	0.36	0.44	0.49
VMT	25339	1741	15451
Year 20 Factor	1.04	1.17	1.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

- ◊ Ramps
- Overpass
- |- Underpass
- Structures



SAFETY

Primary Speed Limit	60
Secondary Speed Limit	60

Peak Truck Percentage

	0.34
V/C Ratio	0.42
V/C Ratio 20	0.49
VMT	15451
Year 20 Factor	1.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Route 550B
From 105 To 106



Ramps



Overpass



Underpass

- Structures

CLASSIFICATION

Access Control	R-A: Regional Highway
Functional Class	3 Principal Arterial - Other
Highway Designation	U.S.

SAFETY

Primary Speed Limit	60
Secondary Speed Limit	60

TRAFFIC

AADT	8700	8500
DHV	11.5	
Off Peak Truck Percentage	5.30	5.60
Peak Truck Percentage	0.54	0.67
V/C Ratio	0.42	
V/C Ratio 20	0.49	
VMT	15451	4700
Year 20 Factor	1.18	

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Co Rd 10

Appendix B

Traffic Counts

Four Winds Traffic Counts June 22, 2022

SH 550 - NB	SH 550 SB	VT- LTI	VT - LTO	VT - RTI	VT -RTO
AM Peak Hour Count (7:00-9:00AM):					
381	823	1	9	1	8
PM Peak Hour Count (4:00-6:00PM):					
1092	555	5	5	8	6
Total Count for AM and PM Peak Hours:					
1473	1378	6	14	9	14

Four Winds Traffic Counts					
January 10, 2023 - 7AM -9AM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
29	81	1			
18	88				1
16	115			1	
24	109	3		1	
38	88	1			
46	81	1		1	
37	74	1			1
45	78		1	1	

Four Winds Traffic Counts					
January 10,2023 - 4PM-6PM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
102	41			1	1
104	45	1			1
156	61	1	1		
109	54		1		1
113	41				
109	40				2
110	49				2
91	30	3	1		2

CDOT Traffic Count Data June 2020

Direction	HOUR0	HOUR1	HOUR2	HOUR3	HOUR4	HOUR5
P	14	4	1	5	8	20
S	8	4	5	15	14	77
	HOUR6	HOUR7	HOUR8	HOUR9	HOUR10	HOUR11
P	61	188	268	325	442	335
S	328	429	402	390	373	393
	HOUR12	HOUR13	HOUR14	HOUR15	HOUR16	HOUR17
P	477	426	466	471	563	542
S	401	404	401	458	386	330
	HOUR18	HOUR19	HOUR20	HOUR21	HOUR22	HOUR23
P	354	197	122	71	37	23
S	282	202	114	72	41	14

Appendix C

Traffic Crash Data

Legend
Wildlife related
Not wildlife related
At intersection

Notes:

- 1) Table data obtained from the CDOT Crash Data Listings.
- 2) The study area intersection (SH-550 at Terrace Drive) is located at mile post 104.62 along SH-550.
- 3) The "at intersection" crash in 2016, listed at mile post 104.50 is located at Mall Road.

	Mile Post	Road Description	Vehicles	Type	Vehicle 1	Vehicle 2	Driver 1	Driver 2
2016	104.9	INTERSECTION RELATED	1	CURB/RAISED MEDIAN	CHANGING LANES			
	104.62	INTERSECTION RELATED	1	WILD ANIMAL	GOING STRAIGHT		NON-INCAPACITATING INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2017	104.5	AT INTERSECTION	2	REAR-END	SLOWING	STOPPED IN TRAFFIC	NO INJURY	NO INJURY
	103.98	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2018	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	MAKING LEFT TURN		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104.4	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2019	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.2	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2020	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	CULVERT/HEADWALL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	OTHER		INCAPACITATING INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	OTHER NON-COLLISION	AVOIDING OBJECT/VEHICLE IN ROAD		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	

EXHIBIT B

From: [David Reed](#)
To: [Christopher Hawkins](#)
Subject: FW: Secondary Emergency Access Easement - Proposed Final Version
Date: Wednesday, January 18, 2023 10:54:01 AM
Attachments: [Secondary Emergency Access Easement - Final Version - January 17, 2023 - Clean.docx](#)
[Secondary Emergency Access Easement - Final Version - \[WHM edits January 16, 2023\] Redlined.docx](#)



J. David Reed
Of Counsel
510 S. Cascade Ave. Montrose, CO 81401
(970) 650-2240
reed@dwmk.com
www.dwmk.com

From: Herb McHarg <hmcharg@telluridelaw.net>
Sent: Tuesday, January 17, 2023 8:43 AM
To: David Reed <reed@dwmk.com>
Subject: Secondary Emergency Access Easement - Proposed Final Version

Good morning, David – Attached please find the redlined and clean versions of the Secondary Emergency Access Easement that Ms. Endicott has approved. Once approved by your client, we can ask Tim to draft an A/E stating the parties agreement to this version of the agreement and attach same to the A/E for execution in the event of Closing.

Thanks,

Herb McHarg

SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT

THIS SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT (“**Agreement**”) is entered into and made effective as of _____, 2023 (“**Effective Date**”) by and between Estate of Bernadine Endicott (“**Endicott**”), Four Winds Ranch I, L.L.P., a Colorado limited liability limited partnership (“**Four Winds I**”) and Four Winds Ranch II, L.L.P., a Colorado limited liability limited partnership (“**Four Winds II**”) whose address is 741 Terrace Drive, Ridgway, CO 81432 (Endicott, Four Winds I and Four Winds II may be referred to herein collectively as “**Grantors**”) and Four Winds at Ridgway, LLC, a Colorado limited liability company whose address is 257 Sherman Street, Unit A, Ridgway, CO 81432 (“**Grantee**”). Grantors and Grantee are sometimes each individually referred to as a “**Party**” and sometimes collectively as the “**Parties**”.

RECITALS

A. Endicott is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Endicott Property**”), more particularly described on attached **Exhibit “A”**.

B. Four Winds I is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached **Exhibit “B”** (“**Four Winds I Property**”).

C. Four Winds II is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached **Exhibit “C”** (“**Four Winds II Property**”). The Endicott Property the Four Winds I Property and the Four Winds II Property may be referred to herein collectively as the “**Grantors’ Property**”. Any reference in this **Agreement to the Grantors** or the Grantors’ Property and/or any requirement to notice Grantors or obtain written consent of Grantors, means each and every Grantor and any successor Grantor, as well as all the Grantors’ Property regardless of the then-current configuration.

D. Grantee is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Grantee Property**”), more particularly described and depicted on attached **Exhibit “D”**.

E. Grantee has a pending application to the Town of Ridgway (“**Town**”) to subdivide the Grantee Property and create the Four Winds Subdivision (the “**Subdivision**”), and at a meeting held August 30, 2022, the Town Planning Commission voted to continue consideration of the sketch plan for the Subdivision and, among other things, required Grantee to acquire secondary emergency access as a necessary element of potential approval of the Subdivision.

F. Accordingly, conditioned upon the approval of the Subdivision, Grantee seeks and Grantors are willing to grant and convey to Grantee for the use and benefit of Grantee Property a twenty-six-foot (26’) wide secondary emergency access easement (“**Secondary Emergency Access Easement**”) extending twelve-feet on either side of the centerline of an existing route that is approximately ten feet (10’) to thirteen feet (13’) wide (“**Existing Route**”) located on a portion of the Grantors’ Property, as the same is depicted on attached **Exhibit “E”** and legally described on attached **Exhibit “F”** (“**Secondary Emergency Access Easement Area**”) in consideration of certain monetary payments, hereby acknowledged and agreed to as of the Effective Date of this Agreement, along with the terms, conditions and obligations set forth in this Agreement represent the consideration for granting the Secondary Emergency Access Easement (“**Secondary Emergency Access Easement Grant Consideration**”).

AGREEMENT

NOW, THEREFORE, in consideration of the payment of the Secondary Emergency Access Easement Grant Consideration, as well as the above recited premises and the mutual covenants set forth herein, and

other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged and accepted, the Parties hereby agree, as follows:

1. **Grant of Secondary Emergency Access Easement.**

1.1. **Authorized Users.** Conditioned upon the approval of the Subdivision and subject to the terms and conditions set forth herein, Grantors hereby grant and convey the Secondary Emergency Access Easement, which is deemed to be a perpetual, non-exclusive Secondary Emergency Access Easement on, over and across a portion of the Grantors' Property designated as the Secondary Emergency Access Easement Area, for the use and benefit of the Grantee Property, to the following persons or entities ("**Authorized Users**"):

1.1.1. Grantee and each of its successors, assigns, owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of the Grantee Property and Subdivision;

1.1.2. Contractors, subcontractors, consultants and agents retained by Grantee to undertake the Authorized Uses allowed by this Agreement (the "**Contractors**");

1.1.3. Owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of that certain Vista Terrace Subdivision ("**Vista Terrace**") located adjacent to the Grantee Property and Subdivision and sharing certain roads that serve both Vista Terrace and the Grantee Property and Subdivision; and

1.1.4. Emergency personnel in the performance of their official duties.

1.2. **Authorized Uses.** The Secondary Emergency Access Easement authorizes the Authorized Users or a subset of the Authorized Users as indicated below to use the Secondary Emergency Access Easement Area for the following uses (each, an "**Authorized Use**"):

1.2.1. The Contractors may: upgrade, improve, maintain (including snow plowing), and repair the Secondary Emergency Access Easement Area in strict compliance with the provisions of Section 2 below, and only within the Secondary Emergency Access Easement Area and not otherwise on the Grantor Property.

1.2.2. The remaining Authorized Users may use the Secondary Emergency Access Easement as emergency ingress or egress to escape from the Grantee Property and Subdivision, and Vista Terrace in the event (and only during such event) of a fire or such other catastrophic event that prevents the Authorized Users from escaping the Grantee Property and Subdivision, and Vista Terrace on the primary access road west to Highway 550.

1.3. The Secondary Emergency Access Easement is granted for the specific and limited purposes specified herein and neither the Authorized Users nor any other person shall have a right to use the Secondary Emergency Access Easement or the Secondary Emergency Access Area for any other or additional use or purpose. For clarification and example, other than the periodic minimal maintenance performed by the Contractors as set forth in Section 2 below, the Parties acknowledge and expect that the Secondary Emergency Access Easement will never be used by the Authorized Users, except in the remote event of a catastrophic fire located within the Grantee Property and Subdivision, and/or Vista Terrace.

1.4. Grantors expressly reserves unto themselves the right to: (A) use and enjoy the land covered by the Secondary Emergency Access Easement Area for all lawful purposes that will not unreasonably interfere with the rights hereby granted to Grantee; (B) grant additional licenses, easements, and/or rights-of-way upon or across the Secondary Emergency Access Easement Area to other persons or

entities that will not unreasonably interfere with the rights hereby granted to Grantee; and (C) to improve and maintain the Secondary Emergency Access Easement Area subject to Sections 2.5 and 2.7 below.

1.5. Grantors represent and warrant that the grant of this Secondary Emergency Access Easement is made free and clear of any liens or encumbrances, except those of record.

1.6. Grantee acknowledges and agrees that Grantee, its members or principals or any entity related to Grantee or Grantee's members or principals, has no other right of access across Grantors' Property, except for those specific rights granted pursuant to this Agreement. For and in consideration of this Secondary Emergency Access Easement, the Grantee, for itself, its heirs, successors in interest, subsequent grantees and assigns at law or equity, agrees that it does not have, nor shall it assert and hereby waives and disclaims any claim to title or other ownership, access, easement or other interest to any portion of the Grantors' Property through adverse possession or otherwise, because of the Secondary Emergency Access Easement or for any other reason whatsoever as against the Grantors (or any entity related to Grantors or Grantors' members or principals, respectively), their respective heirs, successors in interest, subsequent grantees and assigns at law or equity. Grantee hereby expressly disclaims any right, title or interest in, on, over, under or across Grantors' Property and Grantee shall not dispute Grantors' ability to install a locked gate(s) anywhere on Grantors' Property including within the Secondary Emergency Access Easement Area as set forth in Section 2.8 below.

2. Review of the Existing Route Improvements Plan.

2.1. The Parties recognize and agree that: (a) the Existing Route is a private road owned by Grantor; (b) the Town and/or County may require certain minimal improvements to the Existing Route (including without limitation minimal widening in certain narrow areas, clearing, grading, tree limb removal where limbs extend over Existing Route, drainage mitigation and limited culvert installation perpendicular to the Existing Route to prevent runoff water from cutting the surface of the Existing Route (without materially impacting the overall existing drainage patterns) ("**Required Existing Route Improvements**") as well as a certain minimum level of ongoing maintenance (including without limitation, clearing, grading, tree limb removal where limbs are growing over Existing Route, drainage mitigation, repair or replacement of culverts, and snow removal) on the Existing Route ("**Required Maintenance**") as part of the Subdivision Approval as may be mandated by, but not to exceed, certain applicable code requirements for the purpose of secondary emergency access ("**Required Standards**"); and (c) nothing herein is intended to, nor shall it presume or require that the Existing Route become a public road, and Grantee shall not request that the Town or County make the Existing Route a public road.

2.2. Grantee acknowledges and agrees that Grantee intends to use the Existing Route Road as currently constructed and located within the Secondary Emergency Access Easement Area for the Authorized Uses set forth herein.

2.3. Grantee further acknowledges and agrees that without the prior written consent of Grantor, Grantee shall not modify the Existing Route, except as specifically required by the Town and/or County for any Required Existing Route Improvements and to the minimum extent necessary to comply with Required Standards as reasonably determined by the Town and/or County ("**Minimum Required Route Improvements Determination**"); *provided however* that Grantee understands, acknowledges and agrees that any such Required Existing Route Improvements and/or any Required Maintenance as required by the Minimum Required Route Improvements Determination shall not include or require: (1) pavement or asphalt resurfacing of the Existing Route; (2) any substantive increase in the width of the Existing Route including without limitation widening that would result in any material slope cuts; or (3) any major grade adjustments to the Existing Route that result in any material slope cuts.

2.4. Grantee, at its sole cost and expense, shall prepare a plan ("**Proposed Existing**

Route Improvements Plan”), indicating the design of the Required Existing Route Improvements being required by the Town and/or County consistent with the Minimum Required Route Improvements Determination for any improvements or upgrades to the Existing Route. The Required Existing Route Improvements must be located within the Secondary Emergency Access Easement Area. In preparing the Proposed Existing Route Improvements Plan, Grantee shall take reasonable steps to cause the plans to meet the minimum degree of improvements and upgrades to the Existing Route as reasonably believed to be possible to meet the requirements of the Required Standards to best retain the rural “ranch road” character of the Existing Route. Prior to submitting the Proposed Existing Route Improvements Plan to the Town and/or County, Grantee shall send Grantors a copy of the Proposed Existing Route Improvements Plan for Grantors’ reasonable review and comment. Should Grantors desire to provide any comments to this Proposed Existing Route Improvements Plan, Grantors shall do so in writing within 30 days after the date the Proposed Existing Route Improvements Plan is received by Grantors. Failure to provide such comments within that 30 day period shall cause such right for Grantors to comment to be waived. Thereafter Grantee shall make every effort to modify those sections of the Proposed Existing Route Improvements Plan affecting the Grantors’ Property to reflect the reasonable comments of Grantors, provided that any such comments offered by Grantors: (a) enable Grantee to construct and maintain Required Existing Route Improvements that comply in the least intrusive manner possible with the Minimum Required Route Improvements Determination; (b) rely on layback areas located entirely within the Secondary Emergency Access Easement Area (rather than retaining walls, except to the degree needed to keep all Required Existing Route Improvements within the Secondary Emergency Access Easement Area) to address slope cutting and drainage; and (c) not result in any material increase in Grantee’s cost of constructing and maintaining the Required Existing Route Improvements; notwithstanding the above, Grantee acknowledges and accepts a reasonable increase in such costs as a result of implementing Grantors’ comments. The Parties promptly shall meet and confer and cooperate in a commercially reasonable and good faith manner to address issues and concerns identified by Grantor and Grantee relative to the Required Existing Route Improvements (as reflected in the Proposed Existing Route Improvements Plan) and to modify the Proposed Existing Route Improvements Plan in a mutually acceptable manner. If the Proposed Existing Access Road Improvements Plan has not been mutually agreed upon (after good faith attempts by the Parties pursuant to this Section 2.4), Grantee shall submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantee would like the Town and/or County to review and act upon, and Grantors may submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantors would like the Town and/or County to review and approve. In either event, each Party shall notify the other Party of any meetings with the Town and/or County to review the respective Proposed Existing Route Improvements Plan and the other Party or its representative may attend and participate in such meetings to address the nature and extent of any impacts on it resulting from the Required Existing Route Improvements, which attendance and participation each Party shall elect to undertake without cost or expense to the other Party. The Parties acknowledge and agree that Grantee is authorized to construct and shall construct at Grantee’s sole cost and expense any and all Required Existing Route Improvements mandated by the Town and/or County after these procedures and only within the Secondary Emergency Access Easement Area (“**Approved Existing Route Improvements Plans**”), and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Existing Route Improvements constructed, performed and maintained under the Approved Existing Route Improvements Plans now or in the future; and Grantors shall not request nor shall Grantors be entitled to receive any additional consideration from Grantee other than the consideration set forth in Recital E of this Agreement.

2.5. Nothing herein shall prevent or preclude Grantors from improving the Existing Route at its sole discretion beyond the Required Existing Route Improvements (“**Additional Improvements**”); *provided however* that any such Additional Improvements shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.6. Grantee, at Grantee’s sole cost and expense, shall be responsible for all Required Maintenance required by the Town and/or County according to the Required Standards and Subdivision

approval, and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Maintenance now or in the future.

2.7. Nothing herein shall prevent or preclude Grantors from performing, at its sole discretion, any maintenance beyond the Required Maintenance (“**Additional Maintenance**”); *provided however* that any such Additional Maintenance shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with the Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.8. Nothing herein shall prevent or preclude Grantors from locking existing gates or installing new gates within the Secondary Emergency Access Easement Area, and Grantee hereby understands and acknowledges that Grantors intend to (but are in no way obligated to) install such locking gate(s) and/or remove same, at any time now or in the future; *provided however* that there be a reasonable means for the Contractors to access through the gates (e.g. key or code), and for the remaining Authorized Users to access through the gates in the event of an emergency as described in Section 1.2.2 above (e.g. emergency code). Grantors may provide access through the locked gates to any other persons at Grantors’ discretion. Notwithstanding the foregoing, the installation of any locked gates shall in no way unreasonably interfere with or otherwise frustrate the specific purposes of the Secondary Emergency Access Easement which is to provide secondary emergency ingress/egress in accordance with Section 1.2 above.

2.9. Notwithstanding any contrary term or condition in this Agreement, in undertaking the Required Existing Route Improvements approved within the Approved Existing Route Improvements Plans and the Required Maintenance, all construction and maintenance access to the Secondary Emergency Access Easement Area that is allowed as an Authorized Use shall be made from County Road 12/12A located at the east-end of the Secondary Emergency Access Easement Area, rather than from the west-end of the Secondary Emergency Access Easement Area. Grantee understands, acknowledges and agrees that the intent of this provision is to reduce construction and maintenance traffic at the west-end of the Secondary Emergency Access Easement Area and otherwise through the Endicott Property. Further, the Secondary Emergency Access Easement Area shall not be used for any construction, reconstruction, improvement or maintenance of any roads or properties including without limitation Terrace Drive, the Subdivision and Vista Terrace at any time (including without limitation following a fire or other catastrophic event), and Grantee understands and acknowledges that such use is not an Authorized Use under this Agreement.

3. Construction of Required Existing Route Improvements and Performance of Required Maintenance.

3.1. Grantee shall cause all Authorized Uses to be undertaken in strict compliance with the terms and conditions of this Agreement and Grantor shall not be responsible for any costs or expenses arising in connection with such undertaking.

3.2. In undertaking the Authorized Uses, Grantee shall: (a) carry out and complete all activities in a good, workmanlike and professional manner and in accordance with applicable law; and (b) minimize, to the extent practical, disturbance to the Grantors’ Property, including access to the Grantors’ Property, and reasonably shall return the Grantors’ Property to the condition that pre-existed prior to such site disturbance activities (including restoration, reseeding and/or re-contouring the Grantors’ Property). Nothing herein is intended to modify the provision at paragraph 1.2.1 above that limits the Authorized Uses to the Secondary Emergency Access Easement Area and not otherwise on the Grantors’ Property. Further, Grantee shall not permit any staging or storage of materials, or parking of vehicles or equipment overnight within the Secondary Emergency Access Easement Area.

3.3. In undertaking the Authorized Uses, Grantee shall not permit or allow to be recorded or attached to the Grantors’ Property any mechanics’ or materialmen’s liens.

3.4. Grantee understands, acknowledges and agrees that all Required Existing Route Improvements undertaken according to the Approved Existing Route Improvements Plans shall be completed within 18 months of the date of the Town/County approval of the Approved Existing Route Improvements Plans, and prior to the end of such 18-month period Grantee shall provide Grantors with a certificate or other instrument from the Town/County to Grantor's reasonable satisfaction memorializing that the Required Existing Route Improvements have been completed consistent with the Approved Existing Route Improvements Plans.

4. Miscellaneous

4.1. **Runs with the Land, Successors and Assigns.** The easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall run with the land and shall both benefit and burden the Grantors' Property, on the one hand, and the Grantee Property, on the other hand, as applicable, during the term of this Agreement. Further, the easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall be binding upon and shall inure to the benefit of, and be a burden upon, the designees, successors, and assigns of the Parties during the term of this Agreement (including without limitation any owners' association established by Grantee as part of Subdivision approval).

4.2. **Indemnification.** Grantee does hereby, for itself and all Authorized Users, agree and commit to indemnify, defend, release, hold and save harmless Grantors and Grantors' heirs, successors, assigns, designees and agents ("**Grantee's Indemnifications**") from and against any and all mechanics' lien(s), expenses, claims, third-party claims, actions, liabilities, losses, injuries to persons or property, damages (including attorney's fees and costs), and costs and/or liabilities of any kind whatsoever including arising out of, or in any way connected with Grantee's and the Authorized Users' use of the Secondary Emergency Access Easement and the Secondary Emergency Access Easement Area including without limitation the Authorized Uses (except in instances where the claims asserted against Grantors are attributable in whole or in part to the gross negligence or willful misconduct of Grantors, in which case the Grantee's Indemnifications shall be allocated in a comparative manner between Grantors and Grantee).

4.3. **Insurance.** Grantee shall keep and maintain, at their sole cost and expense, a commercial general liability insurance coverage for themselves and each Authorized User who are undertaking some or all of the Authorized Uses at the direction of Grantee, containing minimum limits per occurrence of \$2,000,000 and \$5,000,000 in the aggregate ("Policy"). Within seven (7) days of the Effective Date, Grantee shall provide Grantors with certificates of insurance naming Grantors as an additional insured. The Policy shall include a provision requiring a minimum of thirty (30) days-notice to Grantors of any change or cancellation. Said insurance coverage shall commence and continue for the full term of the easement. The amount of the coverage shall be reviewed as necessary and any changes mutually agreed upon, at least every five years, and adjusted to keep pace with the market for similar coverages, but in no event will the amount of the coverage be less than the amount stated above.

4.4. **Limitations on Grantee's Liabilities Under Sections 4.2 and 4.3.** The Parties understand and agree that Grantee, or any successor owner of the Grantee Property, intends to be the "declarant" (as that term is defined in C.R.S. § 38-33.3-103(12)) in relation to the Subdivision. Following: (i) the creation and filing of the Articles of Incorporation of the Subdivision's Homeowners Association (the "**Association**") with the Colorado Secretary of State, (ii) the recordation of the General Declaration of the Subdivision (the "**Declaration**") that includes the Indemnification and Obligation Provisions as defined below, and (iii) the date that is sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than the Grantee/declarant, regardless of any earlier termination of the Grantee/declarant control of the Association provided by the Declaration or pursuant to C.R.S. § 38-33.3-303(5)(a) Grantee's Indemnifications under Section 4.2 as well as Grantee's obligations under Section 4.3

(“**Grantee’s Indemnifications and Obligations**”) shall transfer to the Association. Grantee shall incorporate the essential provisions of Grantee’s Indemnifications and Obligations into the Declaration of the Subdivision including provisions acknowledging this Agreement, stating that any modification or amendment to such Declaration provisions made without Grantor’s prior written consent shall be null, void and of no force or effect, and requiring a minimum of sixty (60) days-notice to Grantor prior to any proposed modification or amendment of same (the “**Indemnification and Obligation Provisions**”). Grantor shall have the right to review the proposed Indemnification and Obligation Provisions and same must be approved, to Grantor’s reasonable discretion, in writing prior to Grantee finalizing and recording the Declaration. Upon transfer of Grantee’s Indemnifications and Obligations, Grantee’s individual responsibilities and liabilities under Section 4.2 and 4.3 shall cease and shall no longer be enforceable against Grantee individually, however such responsibilities and liabilities under Section 4.2 and 4.3 thereafter shall be in full force and effect and enforceable against the Association, its successor, assigns, and transferees. For clarification, the intent of the parties is for Grantor to benefit from the terms and conditions of Section 4.2 and 4.3, unaltered and without interruption. If the Grantee or Association modifies or amends the previously approved Indemnification and Obligation Provisions without the Grantor’s prior written consent, such event shall be considered a “Default” (as defined in Section 4.5 below) under this Agreement, and any such effort by the Grantee/Association shall be prima facie evidence of real, immediate and irreparable harm to Grantor with no speedy and adequate remedy at law, and shall establish the basis for injunctive relief.

4.5 **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party (“**Claiming Party**”) claims that the other Party (“**Responding Party**”) has violated or breached any of the terms, conditions or provisions of this Agreement (“**Default**”), the Claiming Party promptly shall prepare and deliver to the Responding Party a written notice claiming or asserting that the Responding Party is in such default (“**Notice of Default**”), which Notice of Default clearly shall state and describe: (a) each section(s) of the Agreement that the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps that must be undertaken to cure the alleged default (“**Cure Events**”), and (d) the reasonable timeframe (not less than ten days for a monetary default and not less than 30 days for a non-monetary default, unless emergency circumstances require a shorter response time) within which the alleged violation needs to be cured (“**Cure Completion Date**”). In the event that the Responding Party fails to effect the Cure Events specified in the Notice of Default by the Cure Completion Date, then the Claiming Party shall have the right to pursue all remedies at law and/or in equity (specifically including injunctive relief and/or specific performance) and to recover all costs and expenses (including legal fees) related thereto.

4.6 **Governing Law, Remedies, Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in Ouray County, Colorado. All of the rights and remedies of the Parties under this Agreement including, without limitation, injunctive relief and specific performance, shall be cumulative and shall be binding upon, and inure to the benefit of, each of their respective successors, heirs, and assigns. Time is of the essence to the performance of any undertakings required by this Agreement. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys’ fees and expert witness fees. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.

4.7 **Severability.** If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.

4.8 **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by the other Party. The Parties hereto

warrant that, as may be applicable, each Party: (a) is a duly qualified and existing entity, capable of doing business in the state of Colorado, (b) that the person(s) executing this Agreement are duly authorized to execute this Agreement, (c) that each Party has taken all actions necessary to obtain any and all authorizations and consents for the placement of the Secondary Emergency Access Easement from any person or party having an interest in the Grantors' Property or Grantee Property, including a lender, sufficient to encumber the Grantors' Property and Grantee Property in perpetuity to the terms and conditions stated herein, and (d) that the terms and conditions of this Agreement constitute an enforceable agreement against such Party.

4.9 **Recording.** This Agreement will be recorded in the Official Records of the Ouray County Clerk and Recorder.

4.10 **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements, understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by the Parties, and dated after the Effective Date.

4.11 **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the Effective Date, and signed by the Parties. No waiver of any breach, term or condition of this Agreement by any Party shall constitute a subsequent waiver of the same or any other breach, term or condition.

4.12 **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile copies of any Party's signature hereon shall be deemed an original for all purposes of this Agreement.

4.13 **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either Party to the other shall be deemed to have been fully given or made or sent when made in writing and delivered by United States Mail (certified, return receipt requested and postage pre-paid), and addressed to the Party at the address of record as set forth in the records of the Ouray County Treasurer's Office.

4.14 **Mediation.** In the event of any dispute regarding any matter set forth in this Agreement, the Parties agree to first proceed in good faith to submit the matter to mediation prior proceeding with any court action. Mediation is a process in which the Parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The Parties will jointly appoint a mediator reasonably acceptable to the Parties and will share equally in the cost of such mediation. The mediation, unless otherwise agreed, shall terminate in the event the entire dispute is not resolved within 30 calendar days from the date written notice requesting mediation is sent by one Party to the other at the Party's last known address.

IN WITNESS WHEREOF, the Parties have executed this Agreement, intending it to be effective as of the Effective Date.

GRANTORS:

Estate of Bernadine Endicott

By: _____
Cheryl Endicott, Personal Representative

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of the Estate of Bernadine
Endicott.

Witness my hand and official seal.

Notary Public

My commission expires: _____

(Grantor Signature Continued on Following Page)

Four Winds Ranch I, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch I,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT

(Grantor Signature Continued on Following Page)

Four Winds Ranch II, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch II,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT
(Grantee Signature on Following Page)

GRANTEE:

Four Winds at Ridgway, LLC

By: _____
Tim Currin, Manager

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Tim Currin, Manager, Four Winds Ranch at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT

By: _____
Eric Faust, Member

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Eric Faust, Member, Four Winds at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

EXHIBIT “A”
(Description of Endicott Property)

DRAFT

EXHIBIT “B”
(Description of Four Winds Ranch I, LLLP Property)

DRAFT

EXHIBIT “C”
(Description of Four Winds Ranch II, LLLP Property)

DRAFT

EXHIBIT “D”
(Description of Grantee Property)

DRAFT

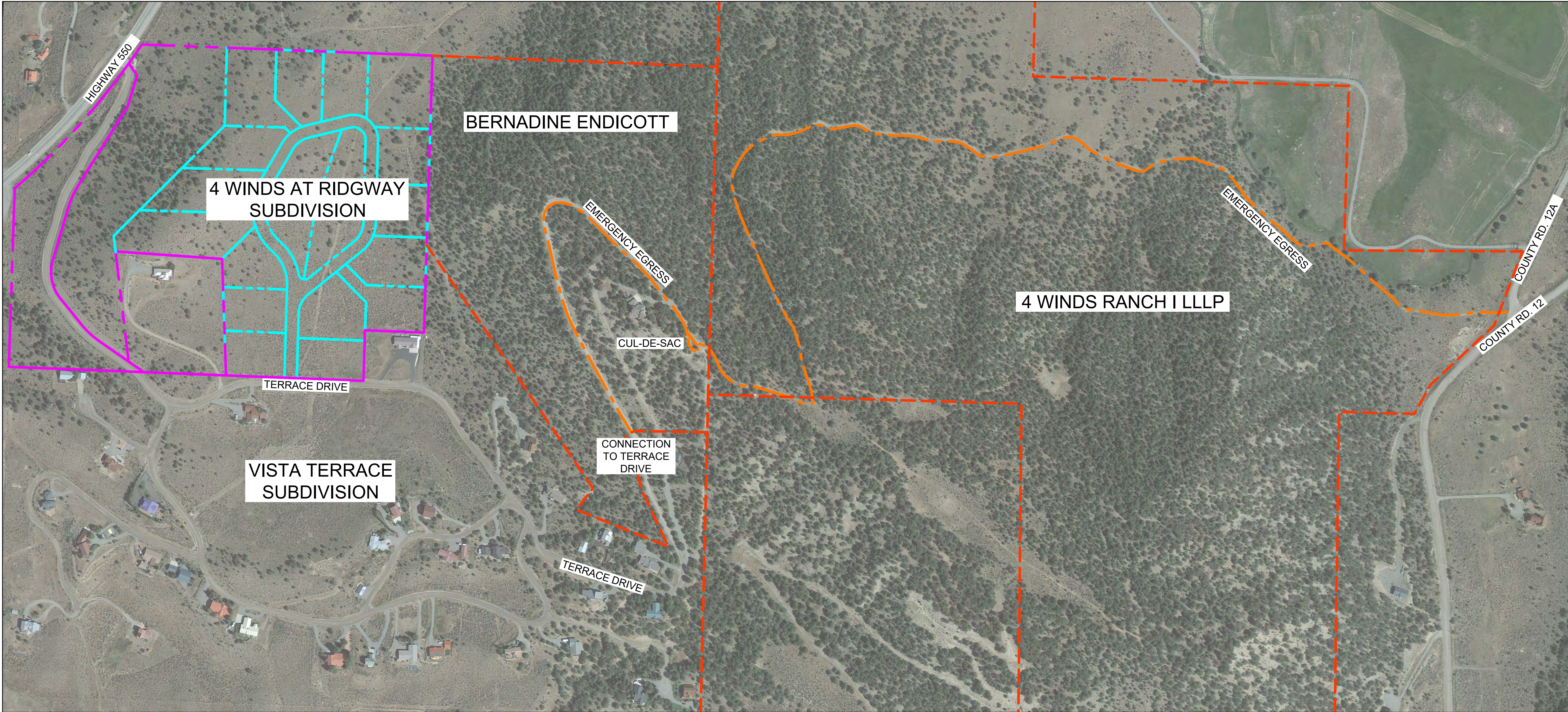
EXHIBIT “E”
(Depiction of Secondary Emergency Access Easement)

DRAFT

EXHIBIT “F”
(Description of Secondary Emergency Access Easement Area)

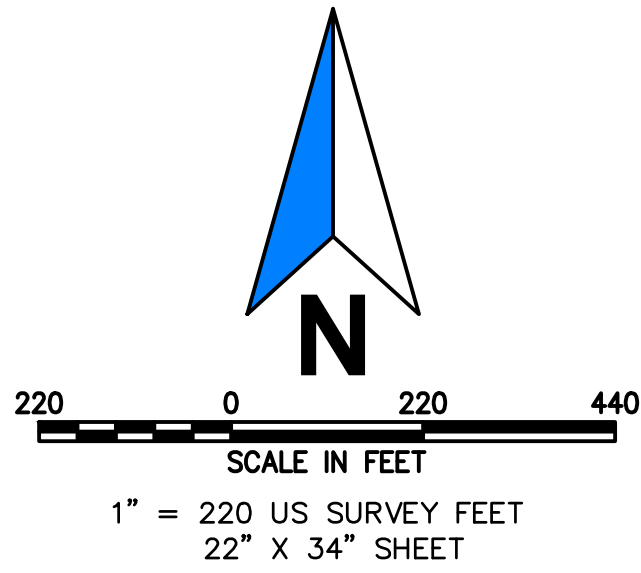
DRAFT

T:\CIVIL\2022\2022-018-CIV-Four Winds Subdivision\700survey\Draw\2022-018-CIV-4 Winds Emergency Egress Exhibit.dwg PLOT DATE 2023-1-4 15:53 SAVED DATE 2023-01-04 15:43 USER: jharness



4 WINDS SUBDIVISION
EMERGENCY ACCESS EXHIBIT

DRAFT



LEGEND

- PROPERTY LINE
- APPROXIMATE PROPERTY LINE
- CENTERLINE ROAD

EMERGENCY EGRESS:
LENGTH FROM TRERRACE DR. TO C.R. 12: 6996' ±
ROAD WIDTH VARIES: 10' - 13' ±
ROAD ACREAGE: 1.73 ACRES ±

REVISIONS		DESCRIPTION	BY
REV	DATE		WL

BUCKHORN

ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY
EMERGENCY EGRESS
RIDGWAY, CO

PROJECT	2022-018-CIV
DATE	1/4/2022
DRAFTER	JDH
CHECKED	JDH
FIELD-CREW	JDH
FIELD-DATE	12/06/2022

EX-1
SHEET-1-OF-1

EXHIBIT C







November 9, 2022

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: OWTS FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of On-Site Wastewater Treatment System (OWTS) design and installation for the proposed 20-lot Four Winds subdivision in Ridgway, Colorado. As you know, we observed the excavation of four (4) representative test pits on the property on September 28, 2022. In addition to the visual/tactile observation of the soils in these pits, we also performed laboratory hydrometer testing, per ASTM D-7928, to confirm the soil type on the USDA soil triangle. All four soil samples are considered "Loam" which corresponds to soil types 2 and 3 in Table 10 of the 2018 CDPHE OWTS Regulation 43 specifications. These soil types should provide long term acceptance rates (LTAR) from 0.5 to 0.6 gallons per square foot per day and should be considered acceptable for OWTS installation. The soils in Test Pit #4 contained greater than 35% rock which would probably require installation of 2-feet of imported sand and pressure dosing per Table 10A of Regulation 43 for Type R-1 soils if those conditions were consistent for that lot. All other soils examined contained less than 35% rock and would generally not require replacement sand media or pressure dosing if those conditions remained constant for that particular lot. Detailed test pit logs, laboratory test results and a reference map are appended to this report.

Please note, this report does not constitute design of an OWTS system. Per current Regulation 43 and Ouray County standards, each of the 20 lots would require design of an OWTS system, by a registered Colorado professional engineer, per the design criteria for a proposed residence and using soils data generated specifically from that lot. This report is intended to indicate the feasibility of OWTS design and installation and the apparent capability of the site soils to provide adequate long term acceptance rates and percolation for sewage effluent treatment and distribution.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,

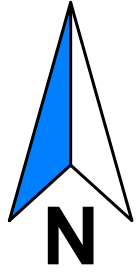
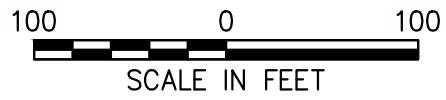
A handwritten signature in blue ink, appearing to read "Daniel C. Quigley".

Daniel C. Quigley, P.E.
Project Engineer

Attachments: Test pit location map, test pit logs, laboratory test results



T:\CIVIL\2022\018-CIV Four Winds Subdivision\65CAD\CB-FOUR WINDS.dwg PLOT DATE 2022-10-21 08:24 SAVED DATE 2022-10-21 08:24 USER: sjackson



LEGEND

- GRAVEL ROAD
- 100' X 150' DISTURBANCE ENVELOPE. SEE NOTE 1 ABOVE
- ASSUMED PRIMARY AND SECONDARY STA BEDS, 12' X 88' EACH. SEE NOTE 7 ABOVE
- TP #1 OWTs FEASIBILITY TEST PIT

REVISIONS		DESCRIPTION	BY
REV	DATE		

BUCKHORN

ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY

O.W.T.S. FEASIBILITY EXHIBIT

PROJECT 2022-018-CIV

DATE 10/20/2022

DRAFTER SJ

CHECKED DCQ

BUCKHORN ENGINEERING

SHEET

EX-1

SHEET 1 OF 1

TEST PIT LOG - TEST PIT #1 (TP#1)

TEST PIT LOCATION: North end between Lots 9 and 10



EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with <30% rock (rounded cobbles); soil type 2 (1-8')	
2				GS-01		<u>GS-01 @1.5-2'</u> gravel=17.9% sand=39.9% silt=31.0% clay=11.2%
3						
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT
LOG
1
of 4

FIELD STAFF	DCQ
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #2 (TP#2)

TEST PIT LOCATION: 120' East of Lots 17/18/19/20 corner



EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, clay LOAM with <30% rock ; soil type 3 (1-7')	
2				GS-02		<u>GS-02 @1.5-2'</u> gravel=22.3% sand=36.1% silt=26.4% clay=15.2%
3					Caliche at 3-4'	
4						
5						
6						
7					stopped excavation at 7' in rock; mini ex couldn't excavate no groundwater encountered	
8						

TEST PIT
LOG
2
of 4

FIELD STAFF	DCQ
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #3 (TP#3)

TEST PIT LOCATION: Centerline of road between Lots 6 and 7











EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with >35% rock (in caliche) ; soil type 1 (1-8')	
2						
3				GS-03		GS-03 @2.5-3' gravel=16.1% sand=39.5% silt=28.8% clay=15.6%
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT LOG	FIELD STAFF	DCQ
3	DRAFTING STAFF	ML
of 4	FIELD DATE	9/28/2022
	PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

TEST PIT LOG - TEST PIT #4 (TP#4)

TEST PIT LOCATION: Future road centerline between lots


EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, TOPSOIL with roots (0-1')	
1					tan, sandy, clay LOAM with >35% rock (in caliche) ; soil type R1 (1-3')	
2			X	GS-04		<u>GS-04 @1.5-2'</u> gravel=20.3% sand=35.2% silt=25.6% clay=18.9%
3					tan, dry, sandy LOAM with >35% rock ; soil type R1 (3-8') More difficult digging	
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT
LOG
4
of 4

FIELD STAFF	DCO
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

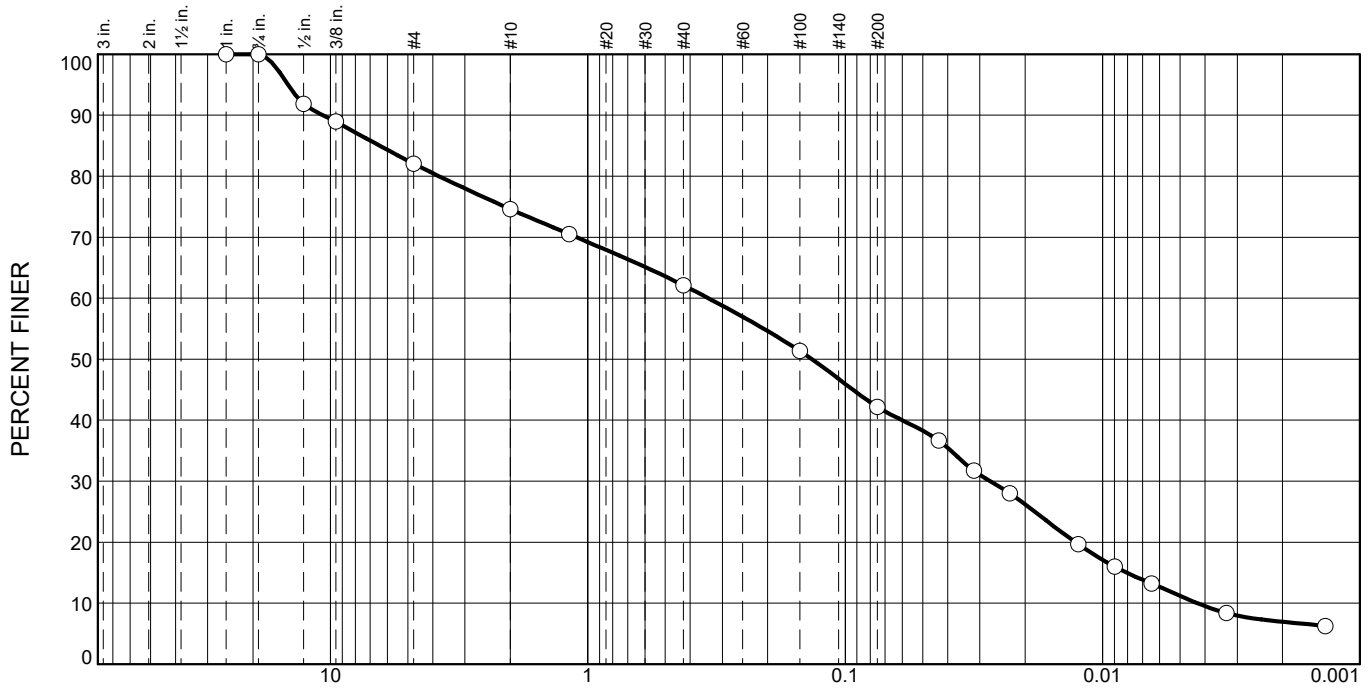
FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	17.9	7.5	12.5	19.9	31.0	11.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	100.0		
1/2"	91.9		
3/8"	88.9		
#4	82.1		
#10	74.6		
#16	70.5		
#40	62.1		
#100	51.3		
#200	42.2		
0.0433 mm.	36.7		
0.0316 mm.	31.7		
0.0229 mm.	28.0		
0.0124 mm.	19.7		
0.0090 mm.	16.0		
0.0064 mm.	13.2		
0.0033 mm.	8.4		
0.0014 mm.	6.2		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 10.7193 D₈₅= 6.4411

D₆₀= 0.3403 D₅₀= 0.1347

D₃₀= 0.0274 D₁₅= 0.0081

D₁₀= 0.0043

C_u= 79.39 C_c= 0.51

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#1
Sample Number: GS-01

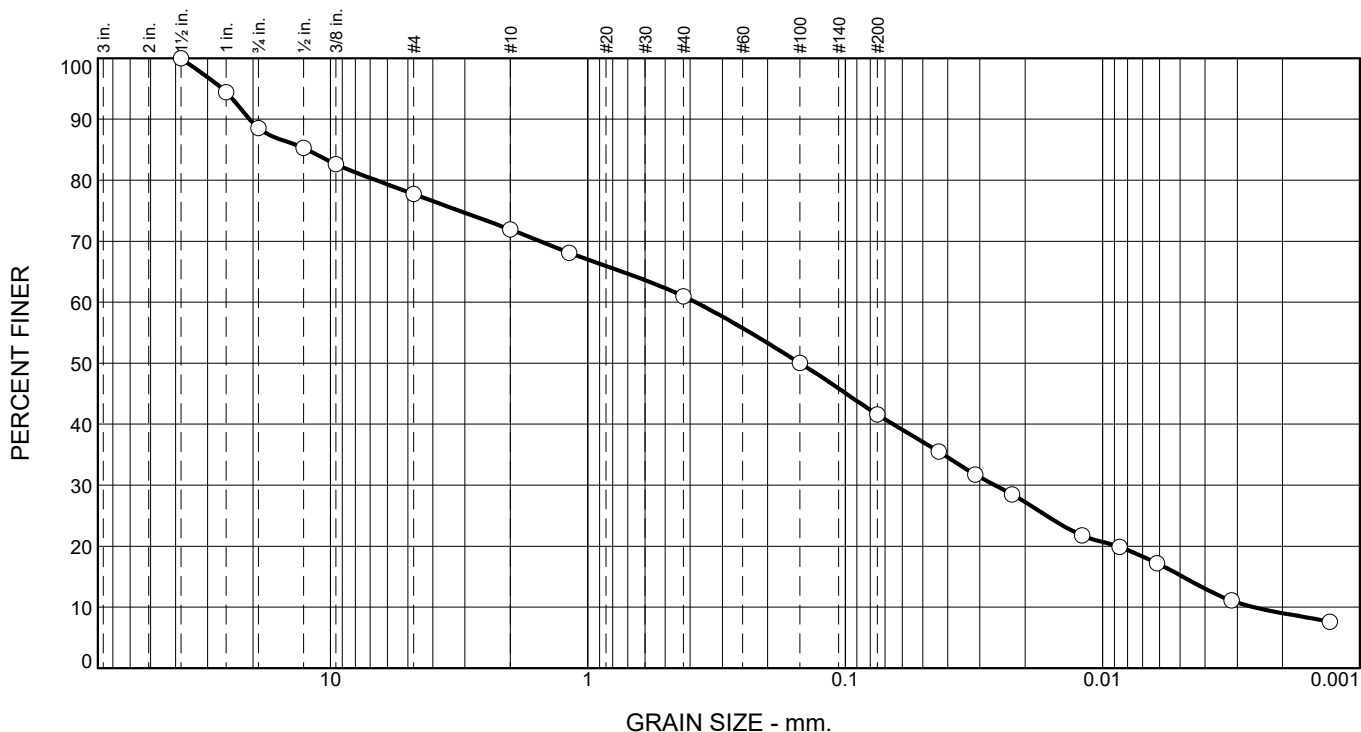
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	11.5	10.8	5.8	10.9	19.4	26.4	15.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1.5"	100.0		
1"	94.4		
3/4"	88.5		
1/2"	85.3		
3/8"	82.6		
#4	77.7		
#10	71.9		
#16	68.1		
#40	61.0		
#100	50.0		
#200	41.6		
0.0433 mm.	35.5		
0.0312 mm.	31.7		
0.0225 mm.	28.5		
0.0120 mm.	21.8		
0.0086 mm.	19.9		
0.0061 mm.	17.2		
0.0032 mm.	11.1		
0.0013 mm.	7.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 20.6768 D₈₅= 12.2820

D₆₀= 0.3819 D₅₀= 0.1496

D₃₀= 0.0262 D₁₅= 0.0049

D₁₀= 0.0026

C_u= 147.17 C_c= 0.70

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#2
Sample Number: GS-02

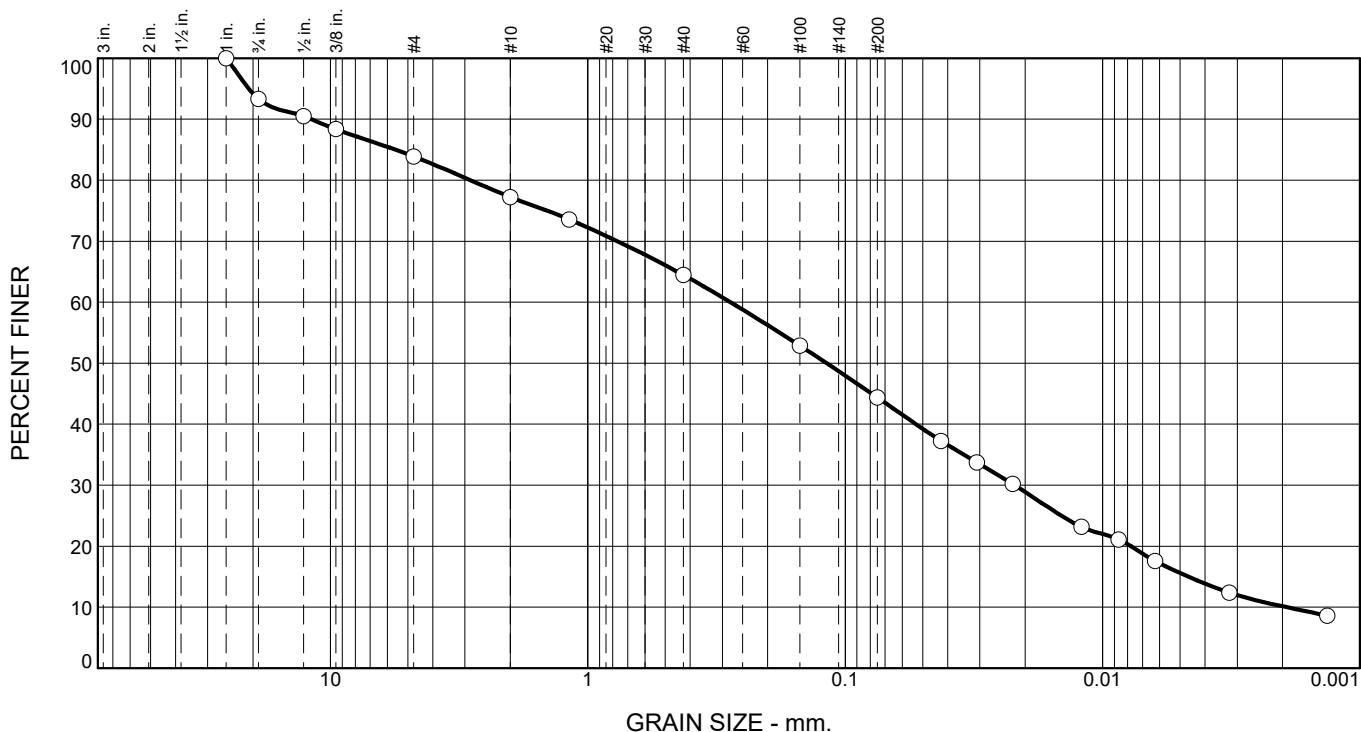
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	6.7	9.4	6.7	12.7	20.1	28.8	15.6

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	93.3		
1/2"	90.5		
3/8"	88.4		
#4	83.9		
#10	77.2		
#16	73.6		
#40	64.5		
#100	52.9		
#200	44.4		
0.0424 mm.	37.2		
0.0308 mm.	33.7		
0.0223 mm.	30.2		
0.0121 mm.	23.1		
0.0087 mm.	21.1		
0.0063 mm.	17.6		
0.0032 mm.	12.4		
0.0013 mm.	8.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 11.9112 D₈₅= 5.5984

D₆₀= 0.2790 D₅₀= 0.1181

D₃₀= 0.0219 D₁₅= 0.0047

D₁₀= 0.0019

C_u= 144.92 C_c= 0.89

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#3
Sample Number: GS-03

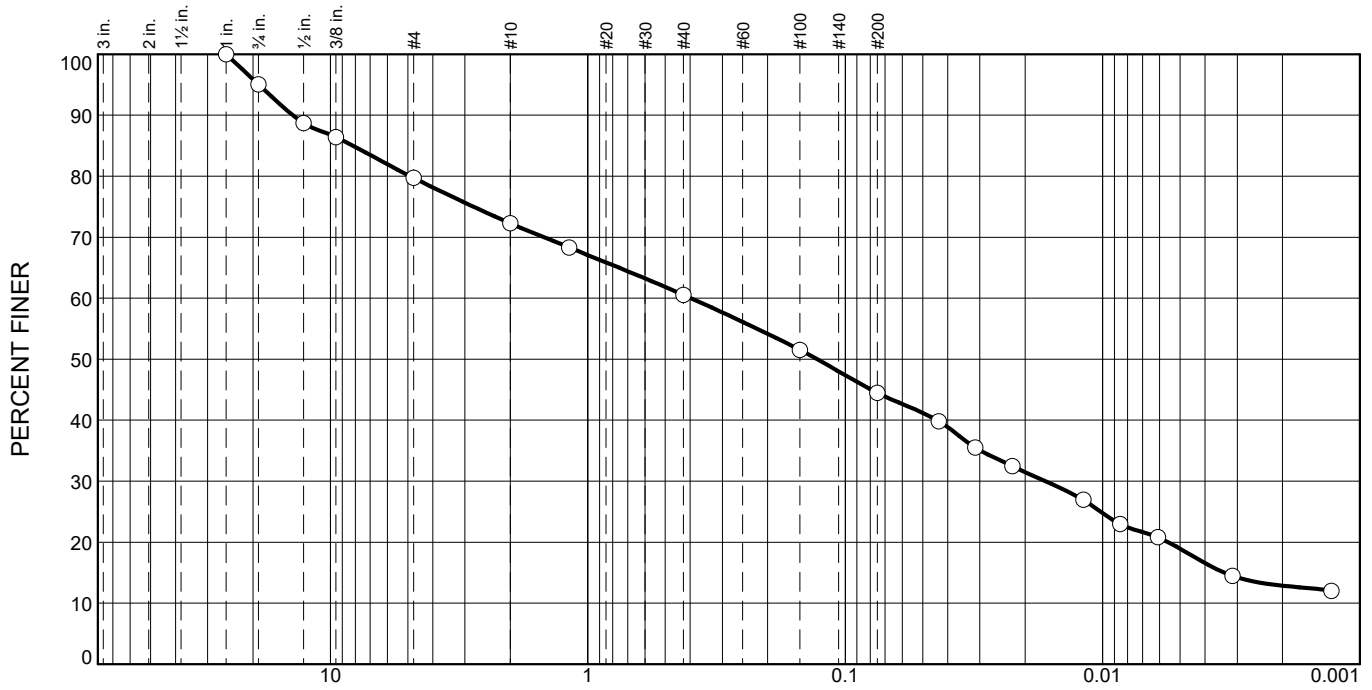
Depth: 2.5-3'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	4.9	15.4	7.4	11.8	16.0	25.6	18.9

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	95.1		
1/2"	88.7		
3/8"	86.4		
#4	79.7		
#10	72.3		
#16	68.3		
#40	60.5		
#100	51.5		
#200	44.5		
0.0433 mm.	39.8		
0.0313 mm.	35.5		
0.0224 mm.	32.5		
0.0119 mm.	26.9		
0.0086 mm.	23.0		
0.0061 mm.	20.8		
0.0031 mm.	14.5		
0.0013 mm.	12.0		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 13.9906 D₈₅= 8.1804

D₆₀= 0.3981 D₅₀= 0.1286

D₃₀= 0.0167 D₁₅= 0.0034

D₁₀=

C_u=

C_c=

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

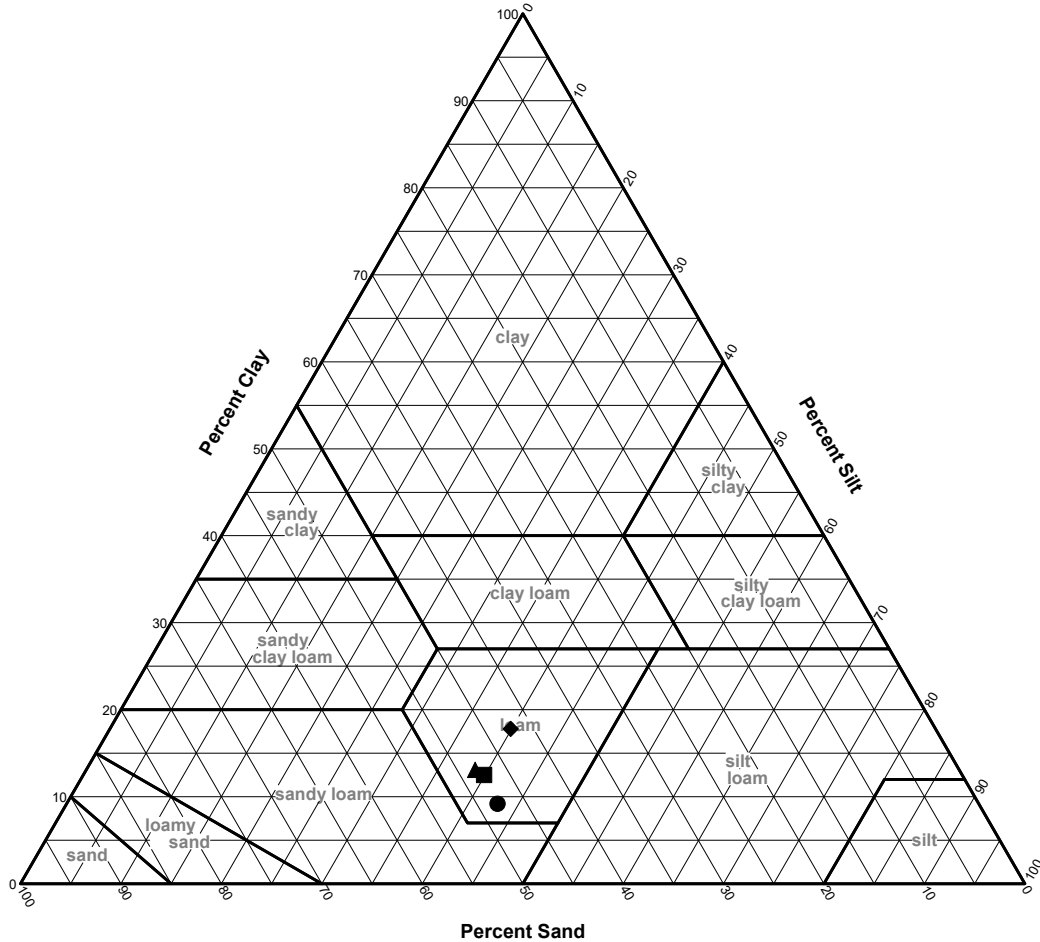
Source of Sample: TP#4
Sample Number: GS-04

Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

USDA Soil Classification



SOIL DATA

	Source	Sample No.	Depth	Percentages From Material Passing a #10 Sieve			Classification
				Sand	Silt	Clay	
●	TP#1	GS-01	1.5-2'	47.9	42.9	9.2	Loam
■	TP#2	GS-02	1.5-2'	47.6	39.9	12.5	Loam
▲	TP#3	GS-03	2.5-3'	48.2	38.7	13.1	Loam
◆	TP#4	GS-04	1.5-2'	42.3	39.8	17.8	Loam



Client: Four Winds at Ridgway LLC

Project: Four Winds at Ridgway Subdivision
Ridgway, CO

Project No.: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.



January 17, 2023

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: SANITARY SEWER FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of designing and constructing a sanitary sewer connection from the proposed Four Winds subdivision to the closest Town of Ridgway connection point east on Redcliff Drive of the XX condominiums. It is our understanding that this study was requested by Town of Ridgway in Item 5 of their December 29, 2022 letter to Chris Hawkins, AICP.

1.0 Assumptions for Analysis

The following assumptions were made in analyzing a potential sanitary sewer alignment from the proposed Four Winds subdivision to the Town's connection point on Redcliff Drive:

- That Vista Terrace will not allow or provide utility easements to route a sanitary sewer system to an adjoining property no in the Vista Terrace subdivision. (Section 11.2 of the Vista Terrace CCR's, Ouray County Reception No. 132891)
- That CDOT will allow a linear sanitary sewer collection system with a lift station within the SH 550 right-of-way. An IGA with the Town would be required to operate and maintain the sewer system in the state highway right-of-way.
- That the Town of Ridgway will accept a lift station which will be required by topographic constraints to connect to the Town's existing collection system
- That a bore under SH 550 and the Uncompahgre River to connect though public and private properties between the highway and the Town's Wastewater Treatment Plant (WWTP) was infeasible for numerous reasons including easement acquisition, environmental clearances, costs and desirability on the part of the Town to accept that alternative.

2.0 Proposed Sanitary Sewer Alignment

Based on the assumptions presented in section 1.0 above, the most logical route for a sanitary sewer collection line is to utilize the Terrace Drive right-of-way west from the Four Winds subdivision to the SH 550 right-of-way. From there the line would continue south adjacent to SH 550 on the east side to a connection in Redcliff Drive. Challenges of this route are: proximity to SH 550 and installing the line 5-7 feet deep per Town construction standards; traffic control during construction to maintain worker and motorist safety, topographic elevations that will require construction of a lift station since open trenching is impractical to maintain gravity flow conditions; subsurface bedrock conditions that could limit or slow installation and inconvenience to Vista Terrace residents for noise and traffic impacts from construction in Terrace Drive. Figure 1. presents a schematic view of this route in plan and profile. Total length of this route is approximately 7,000 linear feet of which 500 feet would be force main and 6,500 linear feet would be 8-inch SDR 35 gravity sewer pipe. We estimate eighteen (18) standard manholes and five (5)

drop manholes will be required to comply with Town design standard of 400 foot maximum spacing between manholes. A 20 gpm duplex pump lift station would be required for the force main portion of the route.

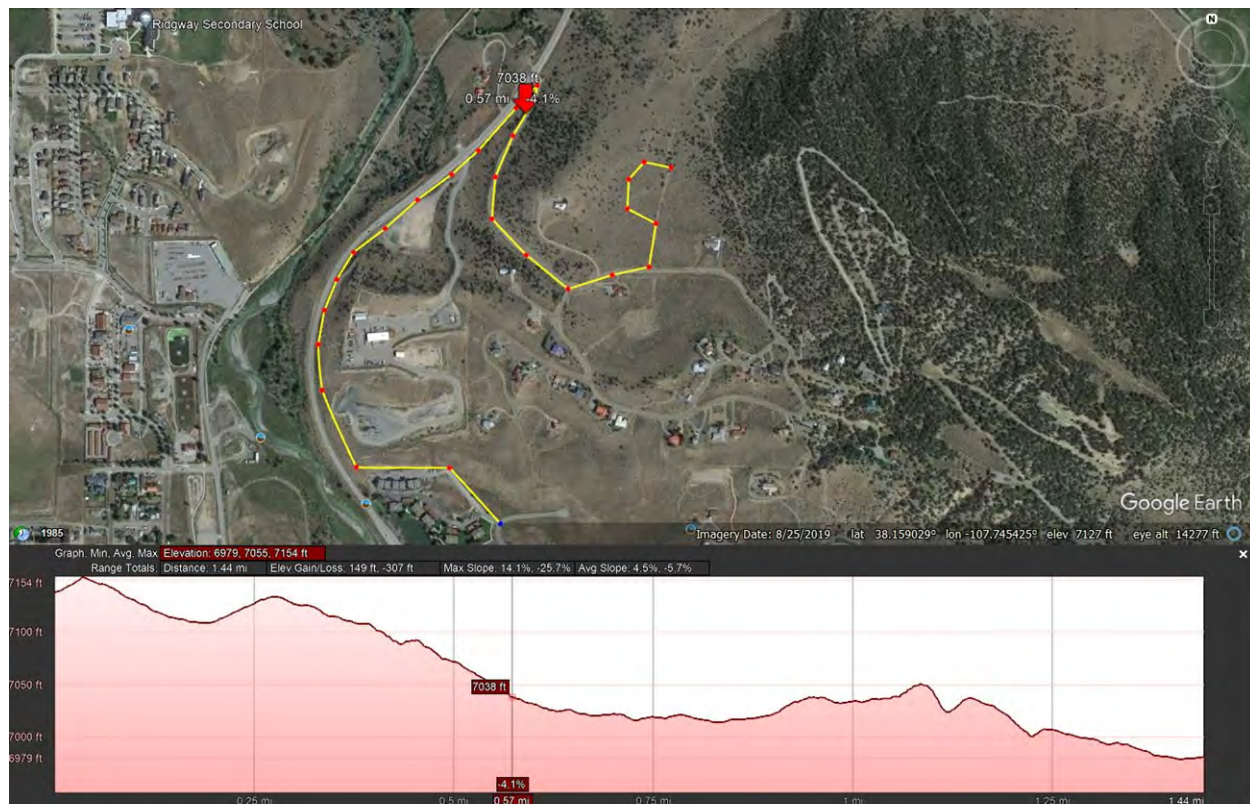


Figure 1. Plan and profile of route from Four Winds subdivision to Town connection in Redcliff Drive.

3.0 Estimated Cost of Design and Construction

Based on the preliminary alignment presented above, the pre-design estimated cost of the sanitary sewer connection is over \$1.698 million. That includes a 20% contingency since this is a conceptual design and material/labor costs remain volatile. The estimated cost also includes an engineering design fee of \$90,000 and Town engineer inspection fee of \$40,000 based on similar Town projects constructed in 2022. A detailed cost estimate is presented in Appendix A of this letter. Life cycle costs to the Town for the operation and maintenance of this system, including the lift station, were not considered in this design and construction cost analysis.

4.0 Conclusion

The per lot cost to design and construct the sanitary sewer connection presented herein is approximately \$85,000 which is, in our opinion, prohibitively expensive for the development. Therefore, based on our previous analysis of the feasibility of an individual OWTS system on each lot (Buckhorn Engineering letter report dated November 9, 2022), we conclude that installation of a sanitary sewer connection is infeasible, and that OWTS installations should be allowed for the Four Winds development.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,



Daniel C. Quigley, P.E.
Project Engineer

Attachments: Appendix A: Pre-Design Estimate of Probable Cost



APPENDIX A

PRE-DESIGN ESTIMATE OF PROBABLE COST

Four Winds Subdivision**Sanitary Sewer Extension Feasibility - Pre-Design Estimate of Probable Cost**

1/17/2023

All Items are installed, complete-in-place per Town of Ridgway standards

Item Number	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization/Demobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Erosion Control Management	LS	1	\$ 15,000.00	\$ 15,000.00
3	8-inch SDR 35 PVC gravity sewer pipe	LF	6,500	\$ 90.00	\$ 585,000.00
4	4-inch C900 DR14 PVC force main pipe	LF	500	\$ 125.00	\$ 62,500.00
5	48" Dia. Standard Manhole	EACH	18	\$ 7,500.00	\$ 135,000.00
6	48" Dia. Drop Manhole	EACH	5	\$ 10,000.00	\$ 50,000.00
7	4" SDR 35 PVC Sanitary Sewer Service Connection	EACH	20	\$ 2,500.00	\$ 50,000.00
8	Lift Station (20 gpm duplex pumps in 4-foot Dia. Basin)	EACH	1	\$ 150,000.00	\$ 150,000.00
9	3-phase electrical service to lift station	LF	3,500	\$ 20.00	\$ 70,000.00
10	SCADA controls for lift station	LS	1	\$ 30,000.00	\$ 30,000.00
11	Sanitary Facility	EACH	2	\$ 1,500.00	\$ 3,000.00
12	Construction Surveying	LS	1	\$ 15,000.00	\$ 15,000.00
13	Traffic Control	DAYS	120	\$ 500.00	\$ 60,000.00
14	Pay and Performance Bond (2.5%)	LS	1	\$ 31,887.50	\$ 31,887.50

Subtotal \$ 1,307,387.50

20% Contingency \$ 261,477.50

Engineering Design Fee \$90,000

Town Engineer Inspection Fee \$40,000

Total Estimated Cost **\$ 1,698,865.00**

Assumptions:

1. Manhole Spacing at maximum 400 feet per Town Standards
2. Includes estimated infrastructure within Four Winds subdivision
3. No ROW or Easements within Vista Terrace per CCR's
4. CDOT accepts linear sewer installation within SH 550 ROW
5. Town accepts lift station into their system

Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



Town of Ridgway, Colorado
Preston Neil, Town Manager
TJ Dlubac, Contracted Town Planner
Joanne Fagan, Contracted Town Engineer

Sent via email to: pneill@town.ridgway.co.us
tdlubac@planstrategize.com
jfagan@town.ridgway.co.us

RE: Applicant Responses to Four Winds Sketch Plan, 2nd Review Comments

August 17, 2022

Preston, TJ, and Joanne,

Thank you for the Four Winds Subdivision review comments sent via email on August 10, 2022. Please see our responses to the review comments below with our responses shown in [blue text](#).

GENERAL COMMENTS:

Based on discussions with you and your team, we understand concessions and waivers are being requested for a variety of standards which are difficult and/or costly to meet with this project. Therefore, staff has discussed our comfort with various waivers and offer the following guidance:

- A. Staff is agreeable to allowing gravel roads; however, all other Town design standards shall be met. [Great. Please confirm that this staff position prevails over Engineering comment No. 15 so there are not conflicting positions presented to the Planning Commission or Town Council.](#)
- B. Safe and effective pedestrian connections within the development as well as to adjacent development(s) will be needed. [Please clarify if this comment is seeking sidewalks. If so, we believe that sidewalks are not needed on this rural road due to low traffic volumes and the ability to walk on the roads. We are asking for the roads to act as sidewalks the same as was allowed for River Sage Subdivision.](#)
- C. The developer shall agree to participate in a General Improvement District (GID) or similar financing entity at such time one is formed to complete needed public improvements. [Agreed. This will be a Preliminary Plat note and included in the subdivision's general declaration.](#)
- D. Staff is agreeable to not require the project to connect to sewer at this time and the project not providing paved streets at this time; however, the Sketch Plan submittal shall include an exhibit map that identifies an adequate site for the initial leach field as well as a replacement field that is designed for the maximum number of bedrooms the lot may have. [Agreed. Please refer to Note 7 on Sheet SP-5, and the leach fields shown within the disturbance envelopes. This matter will be addressed in the subdivision's design regulations that are submitted with the Preliminary Plat.](#)
- E. All other design standards and public improvements required by the Ridgway Municipal Code should be met by this project. [Agreed.](#)

PLANNING COMMENTS:

The following items must be addressed and resubmitted to the Town to be reviewed and evaluated:

1. Identify disturbance areas on an exhibit provided with the preliminary plat and provide adequate measures to ensure such disturbance areas are enforceable in perpetuity with the submittal of the preliminary plat.
 - a. Consider adding the “disturbance area” to the preliminary plat and notes limiting development to that area.

Agreed. Please refer to Note 1 on the Sketch Plan set. The subdivision’s design regulations will also address disturbance envelopes.
2. Clarify on the preliminary plat that the open space will be preserved in perpetuity and cannot be developed beyond a biking/hiking trail. Further clarify that the open space will be privately owned and maintained, but that a public access easement is granted to allow the general public to utilize the proposed trail system. *Agreed. Please see Note 3 on Sheet SP-5.*
3. Provide additional analysis on the proposed water conservation measures and landscaping restrictions and how they compare to the Town’s landscape regulations with the preliminary plat. *Agreed. It is likely that the Four Winds water conservation measures will be more restrictive than the Town’s with prohibitions on formal lawn areas and limits, fire mitigation requirements, and limits on new trees and shrubs.*
4. Consider requiring wildlife-friendly trash enclosures and measures to reduce conflicts between wildlife and residents. Address this item further with the submittal of the preliminary plat. *Agreed. Please see Note 4 on Sheet SP-5.*
5. The entire 44.4 +/- acres of the Endicott Property shall be included in this request to legally subdivide the parcel to allow the 9.95 acres to be included in the Four Winds Subdivision. This adjustment shall be reflected on the Preliminary Plat. *Agreed.*
6. At a minimum, the 9.95 acres portion of the Endicott Property to be included in the development of this subdivision shall be rezoned to Residential in conjunction with the preliminary plat. Approval of a rezoning request shall be contingent upon the approval of a final plat. In no way does any one approval or required approval guarantee or bind the Planning Commission or Town Council to approve any other request. Each application shall be reviewed and evaluated on its own merits and be determined to meet the standards applicable to the specific request. *Agreed. We consider the rezoning request initiated with the Sketch Plan application as a part of the process and therefore is an exception to the moratorium ordinance pursuant to Section 3(a) of the moratorium regarding pending applications.*
7. Add Note 1 from McChesney Minor Subdivision regarding Sewage Disposal to the Preliminary Plat. *Already added. Please see Note 5 on Sheet SP-5.*
8. Add Note 3 from McChesney Minor Subdivision regarding costs of improvements to the access to HWY 550 to the Preliminary Plat. *Already added. Please see Note 6 on Sheet SP-5.*
9. Further analysis and design shall be provided by the applicant related to water system improvements as required by Note 4 on the McChesney Minor Subdivision plat. *Agreed. Buckhorn Engineering provided high level Sketch Plan analysis of the water system improvements as required by Note 4 on Sheet SP-6. Detailed analysis and water system design will be provided with the Preliminary Plat in accordance with Note 4 and applicable Town regulations.*
10. Steep slopes over 20% and elk winter concentration areas shall be depicted in relation to the proposed development in conjunction with the preliminary plat. *Slopes that are less than 30% are not considered steep slopes in most Colorado mountain communities, and the Town has not adopted a definition of steep slopes. Please refer to Sheet SP-2 that maps slopes that are 30% or greater. The CPW wildlife impact report addresses the type of habitat.*
11. The applicant shall reach out to Colorado Parks and Wildlife and address recommended mitigation of this wildlife sensitive area prior to submittal of the preliminary plat. *Please refer to the Colorado Parks and Wildlife impact report shown in Exhibit A. The Town is in an urban growth boundary with areas outside in the unincorporated county protected for wildlife through large lot requirements.*

12. The Sketch Plan identifies an easement to be vacated at the southeast corner of Lot 2, however, no additional information was provided. The reception number, grantee, and authorization to vacate by the grantee shall be provided with the preliminary plat. [Agreed.](#)
13. The Project Information Table (pg. 10) shall be amended to account for Accessory Dwelling Units (ADUs) being developed within the subdivision to ensure all RMC performance standards of Sec. 7-3-18(G) of the RMC are being accounted for. [Agreed. The Town encourages ADUs for housing.](#)

ENGINEERING COMMENTS:

From the white paper:

14. The subdivision should have two access points. It was expressed that a second access point was feasible through the Endicott Property earlier in the project, but this is not shown or discussed in the narrative. Either provide a second point of access or provide justification as to why a second access is not feasible in order for staff to adequately evaluate the proposal. [An emergency only access road is now proposed that would utilize the driveway to Lot 14 and then run down the east side of Lots 15 and 16 should the main drive become blocked. Please refer to Sheet SP-5.](#)
15. Road should be paved and have ADA compliant sidewalk. [This conflicts with the staff position outlined under No. A above. We are asking for the roads to act as sidewalks the same as was allowed for River Sage.](#)
16. Connection to sewer: The challenges to connecting to sewer are understood and appreciated. However, from a long-term service standpoint, every time the town allows septic systems, the harder it is to extend sewer and provide adequate services. While staff is agreeable to septic systems on these properties, Ouray County standards shall be met and an agreement to participate in a possible future GID and connect to future town sewer system shall be required for this project. [Agree to plat note requiring GID and connection to any central sewer system that is extended by the Town along Vista Terrace Drive. Plat note and design regulations will require each lot to meet Ouray County OWTs requirements.](#)

Sketch Plan

17. Pg 5 of revised sketch plan shows several lots that are less than one acre. Please confirm all lots meet the minimum lot size for On-Site Wastewater Treatment System (OWTS) in Ouray County. [There is no minimum lot size for Ouray County OWTs. Septic systems must fit within the platted lots and required OWTS setbacks.](#)
18. The Preliminary Plat should include the dedication of adequate right-of-way and/or easements to accommodate future sewer installation. [The Town required 60-foot right-of-way is adequate for all required infrastructure, including sewer lines, water lines, electric lines, natural gas lines and telecommunications lines.](#)
19. Pg 5 of revised sketch plan shows a proposed single track bike trail that starts on a state highway with a 60 MPH speed limit and terminates on the steep section of Terrace Drive. Is that an asset or liability? [We believe it is an asset and can add a common sense stop sign at the bottom of the trail if needed. An existing trail connection to the River Park Trail already exists in this location.](#)
20. Pg 6 of the revised sketch plan shows 10' utility easements within the 60 ft ROW. Those should be on the private property not in Town ROW. ROW does not need easements. [Sheet SP-6 is a copy of the Town specification for Rural Road Section that includes the easements. We agree easements are not needed in a right-of-way.](#)
21. The new water line needs to be connected to the existing water line in at least two places which are located so as to facilitate circulation and minimize the number of units out of service during any maintenance of the water lines. The current plans show two points of connection to the town main in Terrace Dr about 100 ft apart, not enough to facilitate either. The plans propose to add a new storage tank that would just address the domestic needs of the project and a small amount of fire flow, then the existing tank volume is being deducted from what they need. The storage tank for Vista Terrace needs to be a comprehensive solution rather than several small tanks that will be exhausted quickly.

- a. Note the town requires 2 hours at 500 gpm for fire storage vs the proposed 1 hour at 750 gpm. Lines need to be sized for 750 gpm in this area per town standards. The new water lines should be designed as 6" lines. Calculations demonstrating that the project will carry 750 gpm shall be provided with the Preliminary Plat.

Agree with most of the design comments except that Plat Note 4 of the McChesney Minor Subdivision only requires "...the owners of Lot 1 and 2 to participate in a Special Improvement District for the purpose of expanding the water storage capacity which serves these lots as well as adjacent properties". If the design of the current Vista Terrace Filing No. 1 water system is inadequate based on current Town standards, the residents of that subdivision should equally participate in an improvements district. The Four Winds water system will be designed to meet Town standards for the lots proposed within the development that has the benefit of providing additional fire flow that can be used by Vista Terrace Filing No. 1.

22. Demonstrate how does water get to the new tank? What measures are in place to ensure the water turns over?
The design of the water system will be provided with the Preliminary Plat.
23. Are easements included on the lots? Are the dotted lines, setbacks or easements? Please clarify with the Preliminary Plat that all minimum easement widths and uses required in the RMC are being provided. Setbacks are shown with a dashed line on the Sketch Plan. We do not believe any easements are needed outside of the right-of-way.

Sketch Plan Narrative

24. Pg 2 of the narrative says 11% slope is suitable for development. The max slope for a town street is 7%. Leach fields are typically supposed to be level. Not sure of the basis for the concluding 11% is suitable. Plowing icy or snow packed roads steeper than 7% is challenging and a bit hazardous. Provide further explanation in the narrative as to why this was concluded? We live in the mountains so any land with less than 30% slopes is generally seen as suitable for some level of development. An overall 11% grade across the site represents relatively gentle slopes, similar to Solar Ranches or River Sage.
 - a. Before the Town can agree to the current road configuration or to taking on long-term maintenance responsibilities, the proposed slopes of the roadways shall be provided or, at a minimum, provide a maximum slope the roads within the subdivision will not exceed. Anything steeper than 7% should be given very careful consideration.A road grading plan will be provided with the Preliminary Plat with plans prepared in consultation with the Town and Fire District.
25. Pg 2: Very little of Lots 7, 10 and 14 are shown within the 300 ft radius of a fire hydrant. This hydrant layout is a bit different from the original sketch plan. Is this revised version the correct version? A new hydrant was added to capture Lot 14. Please refer to Sheet SP-5.
26. Pg 3: Bullet #7 says to they want to encourage ADU's. That will further increase the necessary size of the sewage disposal system, put more usage on their rural road, and more demand on the water system. All calculations (water, sewer, fire flows/hydrant locations, roadway design, traffic counts, etc.) must account for all potential development, including ADU's. The Town encourages ADUs to help provide housing. Agreed. Calculations will be adjusted.
27. What are the remaining obligations of the Town under the water and sewer agreement quoted on page 4 of the narrative? A copy of the agreement will be provided to the Town with the Preliminary Plat application.
28. Pg 4 notes the applicant intends to limit total disturbance to 10,000 sf. This area needs to include appropriate space for the original leach field and a replacement field. Please refer to General Comment No. D.
29. Pg 5, states that roads are low density and people can walk in the roadway insinuating that off-street pedestrian connections and/or ADA sidewalks are unnecessary. If ADU's are encouraged, the overall density will be close to one dwelling per acre. Town regulations require sidewalk which seems appropriate at that level of development. If on-street sidewalks are not provided, it is recommended that the road be widened by at least 5 ft to better accommodated pedestrians and bikes. The level of traffic on this road will be very low and allow for pedestrians

and bikes to use the road without additional site grading and disturbance. No sidewalks were required for River Sage.

30. Pg 6 states the applicant believes they meet the intent of plat note 4 of the McChesney plat for storage by provide another small tank. Staff's interpretation of this is that the intent of this note was for the developer to provide a comprehensive solution. Smaller water tanks to serve only this development is not a comprehensive solution. (see comment #21 above) [Please see response under No. 21. Above.](#)
31. Pg 8 of the narrative – CDOT permit: The Town, County, and CDOT worked to get the added lanes referenced here. That was intended as a band-aid. The narrative says the developer will pay their prorata share of improvements. The Town has already made improvements, if additional improvements are required, they should be paid for by the development that is triggering the need. Please clarify the intent of these statements. [A traffic impact analysis is in process and will be submitted to CDOT for review. We will comply with any CDOT access requirements for the development.](#)
32. Pg 8 – Cul de sac: The entire road is viewed as a cul-de-sac, therefore, the applicable rules, regulations, and standards of the RMC and other adopted standards shall be met. Please confirm these are all met with how the project is being viewed. [We do not view the street design as a cul-du-sac since there is no dead-end circle at the end. We have designed a looped access road that also has a new emergency access planned as discussed above. We would like to continue discussing the road design with the Preliminary Plat.](#)
33. Pg 8-9: The narrative makes an argument that a second access to the development is not needed. At least since the mid 2000's the Town has required two access points, although in several cases one has been emergency only. Town staff shared this requirement with Mr Quigley who indicated that an emergency access was practical. This second access shall be shown on the Sketch Plan to understand other impacts on the layout and design when that access point is added. [Please refer to No. 14 above.](#)
34. While the zoning does allow for a minimum lot size of 6,000 sf, this would only be allowed with the connection to municipal sewer which is not preferred by the applicant. Therefore, the standard should not be evaluated on the zoning allowances, but rather the OWTS standards for minimum lot size, separation, setbacks, and other siting and design criteria. [The zone district dimensional standards will be met or exceeded. Ouray County OWTS standards will be met including required setbacks.](#)
35. Pg 6 mentions that a storm water system will protect water quality but no provisions for storm water management have been included in the sketch plan materials. The project shall provide for a comprehensive solution to storm water management and not leave it to individual lots. [Agreed. We will reference the Stormwater Master Plan and Stormwater Regulations in preparing the Preliminary Plat civil plans.](#)

We sincerely appreciate the open dialogue and communication on this project!

Respectfully,

Chris Hawkins, AICP
Alpine Planning, LLC



COLORADO

Parks and Wildlife

Department of Natural Resources

Unit Name (optional)
555 Street Address, Room 555
Denver, CO 55555-5555
P 111.222.2222 | F 111.222.2222

EXHIBIT A

Chris Hawkins, AICP
Alpine Planning, LLC
PO Box 654
Ridgway, CO 81432
July 14, 2022

Dear Mr. Hawkins,

I receive the information you emailed to me regarding the proposed Four Winds Subdivision and I spoke with Eric Faust about the development. It is our understanding that the proposed subdivision will include 20 lots on 43 acres with 12.74 acres remaining in open space. The proposed subdivision is within Ridgway city limits and zoned as residential and future development.

This property lies within Colorado Parks and Wildlife (CPW) mapped elk and mule deer severe winter range and winter concentration area and adjacent to a black bear summer concentration area. The predominant habitat types on the property are pinon-juniper forest and sagebrush. The mule deer in the area of the proposed subdivision are managed by CPW as part of the Cimarron Mule Deer Herd (Data Analysis Unit or DAU D24) and the elk are managed as part of the Cimarron Elk Herd (DAU E35). Significant issues identified in the herd management plans include the diminishment of suitable winter range habitat due to land conversions and human development.

The following is directly from the Cimarron Mule Deer Management Plan: "Development fragments habitat in many ways. The addition of homes, out buildings, roads, artificial lights, and excess noise and traffic all reduce habitat connectivity for wildlife and limit effective habitat and carrying capacity for deer. Deer are better adapted to urban environments than other ungulate species, but studies have shown housing density (Vogel 1989) and human activity (Lewis et al. 2021) can alter deer behavior and avoidance, creating a loss of effective habitat, even if the habitat is not directly destroyed. Unfortunately, the majority of development in D-40 occurs in the lower elevations and valley bottoms, which is predominantly deer winter range."

In 2020, CPW released the Big Game Winter Range and Migration Corridors Status Report which identified development, including housing, urban, and ex-urban development (suburbs, villages, PUDs, condos, ranchettes) as a threat to big game winter range and migration corridors. Winter range the most important seasonal range that mule deer and elk occupy throughout the year but is often the range that is most limited in size of all the seasonal ranges (Vore 2012). While being the most important range for elk it is also the most heavily impacted by human development and recreation of all seasonal ranges due to its proximity to foothills, valley floors, and ultimately cities and towns

We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within



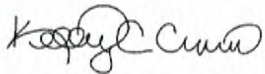
city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don't recommend perimeter lot fencing, especially in big game winter range, if it were ever allowed it should follow CPW's *Fencing with Wildlife in Mind* guidelines
- Containing dogs within fenced yard and/or dog run and requiring dogs to be kept on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures

There is no way to truly mitigate the loss of the winter range habitat but improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision.

Thank you for providing us an opportunity to comment. If you have any questions, you can reach me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Crane".

Kelly Crane
District Wildlife Manager

LITERATURE CITED

Big Game Winter Range and Migration Corridors (Colorado Parks and Wildlife). 2020 Status Report.

Lewis, J. S., S. Spaulding, H. Swanson, W. Keeley, A. R. Gramza, S. VandeWoude, and K. R. Crooks. 2021. Human activity influences wildlife populations and activity patterns: implications for spatial and temporal refuges. *Ecosphere* 12: e03487.

Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Elk Herd Management Plan (DAU E35). Montrose, Colorado, USA.

Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Mule Deer Herd Management Plan (DAU D40). Montrose, Colorado, USA.

Vogel, W. O. 1989. Response of deer to density and distribution of housing in Montana. *Wildlife Society Bulletin* 17:406-413.

Vore, John. 2012. Big Game Winter Range Recommendations for Subdivision Development in Montana: Justification and Rationale. Montana Fish, Wildlife and Parks.

December 29, 2022

Alpine Planning, LLC
c/o Chris Hawkins, AICP
PO Box 6542
Ridgway, CO 81432

SENT VIA E-MAIL TO chris@alpineplanningllc.com

RE: Four Winds Sketch Plan, Planning Commission Response Review Comments.

Dear Mr. Hawkins:

Town staff has reviewed the responses you submitted on November 20, 2022, to concerns raised by Planning Commission at their August 30, 2022 meeting. The comments below are Ridgway Town Staff and Consultant responses and the request for additional information and clarity prior to the application being placed on a Planning Commission's agenda for further consideration.

Once you have had the chance to review these responses and coordinate with your team, we would be happy to meet with you and your team to discuss the items which may need additional discussion, clarify, or coordination.

1. SAFETY CONCERNS AT THE INTERSECTION OF TERRACE DR AND HWY 550:

The Town was contacted by Dan Roussin, CDOT Access Management Unit, regarding initial feedback on the Traffic Impact Study and this project in general. While the project has not been formally referred to CDOT through the review process, based on the concerns that Mr. Roussin brought up, the Town would like to provide the application materials to CDOT for their review. Upon initial review, Mr. Roussin was concerned that the traffic counts used seemed to be low and that increasing the trips to existing conditions may alter warrants based on the assessment. We also find it imperative to have their comments and recommendations prior to presenting the application to the Planning Commission for their consideration. This referral will be sent next week and we will coordinate with CDOT on their review timeline.

Furthermore, while the submitted traffic study was not analyzed in extensive detail, some of the assumptions made (i.e., most vehicles turn south out of Vista Terrace, reducing trip counts for ADUs, and the length of the proposed acceleration lane) raised concerns by the review team and will need additional justification or analysis.

Additionally, we are happy to hear that the developer will make a significant contribution to improvements to make this intersection safer for pedestrians and cyclists. However, we have additional questions about how much is "significant", what the recommended improvement would be and the cost of that improvement, who the contribution would be made to, and what is the triggering event or action.

In short, while we appreciate the response, staff does not feel the responses have not adequately addressed the concerns raised and additional discussion and consideration is needed to address the safety concerns at the intersection of Terrace Drive and HWY 550. Given the magnitude of these concerns, the proposed solutions must be further refined and understood in conjunction with the Sketch Plan approval.

2. LACK OF SECONDARY ACCESS TO VISTA TERRACE SUBDIVISION:

Thank you for providing the possible alignment of a secondary access. While the response letter requests to postpone further evaluation of this to be considered with the Preliminary Plat, the Town will need additional information pertaining to feasibility of the proposed alignment, and written confirmation and authorization that the property owner(s) agree to dedicate the access easement. Also, additional discussion between the development team and Town Staff will be needed on the timing of that dedication and on the proper dedication procedures prior to the Sketch Plan proceeding to the Planning Commission since this may affect the Sketch Plan application to include the entirety of the Endicott Property to plat that emergency access.

3. REDUCE THE PROPOSED DENSITY AND ADUS

This property is identified as Rural Neighborhood in the Master Plan. This classification contemplates between 0.1 and 1 dwelling unit per acre. This is a significant range which equates to between 4 and 42 dwelling units on this property. Further, the master plan identifies the following characteristics pertaining to Rural Neighborhoods: preserve rural areas, mitigate impacts to environmentally sensitive areas, continuation of agricultural or ranching activities, protect open spaces, and cluster residential development. Given the extensive number of constraints on this property related to access, wastewater, fire protection, and environmentally sensitive areas, the high end of the permitted density should not be anticipated. All of these constraints manifest themselves through the density. Much more analysis and justification will be needed by the applicant to support the proposed density and the impacts that density has on services, infrastructure, and public utilities.

4. VISUAL IMPACT OF DEVELOPMENT ALONG THE RIDGELINE:

The results of the story pole analysis will be helpful in understanding the visual impacts. While we appreciate the four photos of the story pole being submitted, they do not fully indicate the impacts as there is no indication of where they were taken from and where the pole is located in relation to the development.

Another option to address these impacts would be to include additional architectural design guidelines or limitations on building height or building envelopes (as proposed) to address these impacts. While the impacts may well be addressed adequately, the means of administering and enforcing those impacts will need to be clarified by the application narrative and sketch plan set and memorialized with the submittal of the Preliminary Plat.

5. REFERENCE FOR DEVELOPMENT TO CONNECT TO SANITARY SEWER

The response provided does not further address the concern, but rather seems to reiterate that since OWTS was allowed per the plat note, that the development doesn't need to further evaluate the feasibility in connecting to sanitary sewer. This is not the position the Town has on this development. OWTS should only be allowed if connecting is not an option. Furthermore, staff is not supportive of waiving town standards without due diligence and evaluation. This position is exacerbated given the extensive number of constraints and waivers from town standards necessary to develop this property. Public health is of the utmost importance and a development of the proposed density should be on public sewer.

Furthermore, upon an initial cursory review of the OWTS Feasibility Report, concerns about the location of test pits and consistency between the cover letter and the test pit logs were identified. Staff would like to understand why the test pits were only done in the roadway rather than in additional areas where leach fields will be located.

6. PROJECT IS LOCATED OUTSIDE OF IGB

Staff has not been able to dive into the assertions made that other developments have been approved outside of the IGB. While we are not suggesting the assertion is not correct, we believe

there are contextual considerations which applied in those cases which may or may not be applicable in this situation. Staff will further evaluate the projects identified to understand the context of those projects and present those in the Planning Commission staff report. However, we do not believe that this is an item that we as staff can give much additional guidance to as this would be a consideration in the discretion of the Planning Commission.

7. CPW IS CONCERNED WITH THE IMPACT THE DEVELOPMENT WILL HAVE ON WILDLIFE HABITAT

We appreciate the developer's willingness to place a conservation easement on prime elk habitat in exchange of lost habitat due to this development, however, to be considered as a benefit or mitigation of this project, the Town will need to be made assured, via written agreements or other acceptable means, that the conservation easement will come to fruition and provide the intended benefit and mitigation. Therefore, we don't see how this proposal can be decoupled from the consideration of this development application.

PREVIOUS COMMENTS IN LETTER DATED AUGUST 10TH NOT ADDRESSED

While we understand the staff review comment letter from August 10th was not explicitly identified as a concern of the Planning Commission, the numbered items addressed in the November 20th response letter only addressed the non-exhaustive, summary list included in the Action Letter dated September 6th. This letter identifies comments made in the second review letter which is the August 10th letter. Through the course of addressing the broader topics raised by the Planning Commission, the staff review comments should also be addressed to the best ability of the applicant.

Please review these comments and provide written responses to each. Where necessary, please update the various Sketch Plan materials and resubmit them to the Town for further review and evaluation. Please reach out if you have any questions regarding these review comments at tdlubac@planstrategize.com or 970-744-0623

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Encl: 2nd Review Letter dated August 10, 2022

Cc: David Reed, Legal Representative for Owners
Preston Neill, Town of Ridgway Town Manager
Joanne Fagan, Town of Ridgway Town Engineer
Bo Nerlin, Town of Ridgway Town Attorney

August 10, 2022

Alpine Planning, LLC
c/o Chris Hawkins
PO Box 6542
Ridgway, CO 81432

SENT VIA E-MAIL TO *chris@alpineplanningllc.com*

RE: Four Winds Sketch Plan, 2nd Review Comments.

Dear Mr. Hawkins:

The above-mentioned application and supplemental materials were reviewed by the Town of Ridgway staff. The enclosed comments represent the findings of the review against applicable Town of Ridgway (Town) development and land use regulations.

The following comments are provided based on the 2nd review of the application and require additional action or response.

GENERAL COMMENTS:

Based on discussions with you and your team, we understand concessions and waivers are being requested for a variety of standards which are difficult and/or costly to meet with this project. Therefore, staff has discussed our comfort with various waivers and offer the following guidance:

- A. Staff is agreeable to allowing gravel roads; however, all other Town design standards shall be met.
- B. Safe and effective pedestrian connections within the development as well as to adjacent development(s) will be needed.
- C. The developer shall agree to participate in a General Improvement District (GID) or similar financing entity at such time one is formed to complete needed public improvements.
- D. Staff is agreeable to not require the project to connect to sewer at this time and the project not providing paved streets at this time; however, the Sketch Plan submittal shall include an exhibit map that identifies an adequate site for the initial leach field as well as a replacement field that is designed for the maximum number of bedrooms the lot may have.
- E. All other design standards and public improvements required by the Ridgway Municipal Code should be met by this project.

PLANNING COMMENTS:

The following items must be addressed and resubmitted to the Town to be reviewed and evaluated:

- 1. Identify disturbance areas on an exhibit provided with the preliminary plat and provide adequate measures to ensure such disturbance areas are enforceable in perpetuity with the submittal of the preliminary plat.
 - a. Consider adding the "disturbance area" to the preliminary plat and notes limiting development to that area.
- 2. Clarify on the preliminary plat that the open space will be preserved in perpetuity and cannot be developed beyond a biking/hiking trail. Further clarify that the open space will be privately owned and maintained, but that a public access easement is granted to allow the general public to utilize the proposed trail system.

3. Provide additional analysis on the proposed water conservation measures and landscaping restrictions and how they compare to the Town's landscape regulations with the preliminary plat.
4. Consider requiring wildlife-friendly trash enclosures and measures to reduce conflicts between wildlife and residents. Address this item further with the submittal of the preliminary plat.
5. The entire 44.4 +/- acres of the Endicott Property shall be included in this request to legally subdivide the parcel to allow the 9.95 acres to be included in the Four Winds Subdivision. This adjustment shall be reflected on the Preliminary Plat.
6. At a minimum, the 9.95 acres portion of the Endicott Property to be included in the development of this subdivision shall be rezoned to Residential in conjunction with the preliminary plat. Approval of a rezoning request shall be contingent upon the approval of a final plat. In no way does any one approval or required approval guarantee or bind the Planning Commission or Town Council to approve any other request. Each application shall be reviewed and evaluated on its own merits and be determined to meet the standards applicable to the specific request.
7. Add Note 1 from McChesney Minor Subdivision regarding Sewage Disposal to the Preliminary Plat.
8. Add Note 3 from McChesney Minor Subdivision regarding costs of improvements to the access to HWY 550 to the Preliminary Plat.
9. Further analysis and design shall be provided by the applicant related to water system improvements as required by Note 4 on the McChesney Minor Subdivision plat.
10. Steep slopes over 20% and elk winter concentration areas shall be depicted in relation to the proposed development in conjunction with the preliminary plat.
11. The applicant shall reach out to Colorado Parks and Wildlife and address recommended mitigation of this wildlife sensitive area prior to submittal of the preliminary plat.
12. The Sketch Plan identifies an easement to be vacated at the southeast corner of Lot 2, however, no additional information was provided. The reception number, grantee, and authorization to vacate by the grantee shall be provided with the preliminary plat.
13. The Project Information Table (pg. 10) shall be amended to account for Accessory Dwelling Units (ADUs) being developed within the subdivision to ensure all RMC performance standards of Sec. 7-3-18(G) of the RMC are being accounted for.

ENGINEERING COMMENTS:

From the white paper:

14. The subdivision should have two access points. It was expressed that a second access point was feasible through the Endicott Property earlier in the project, but this is not shown or discussed in the narrative. Either provide a second point of access or provide justification as to why a second access is not feasible in order for staff to adequately evaluate the proposal.
15. Road should be paved and have ADA compliant sidewalk.
16. Connection to sewer: The challenges to connecting to sewer are understood and appreciated. However, from a long-term service standpoint, every time the town allows septic systems, the harder it is to extend sewer and provide adequate services. While staff is agreeable to septic systems on these properties, Ouray County standards shall be met and an agreement to participate in a possible future GID and connect to future town sewer system shall be required for this project.

Sketch Plan

17. Pg 5 of revised sketch plan shows several lots that are less than one acre. Please confirm all lots meet the minimum lot size for On-Site Wastewater Treatment System (OWTS) in Ouray County.

18. The Preliminary Plat should include the dedication of adequate right-of-way and/or easements to accommodate future sewer installation.
19. Pg 5 of revised sketch plan shows a proposed single track bike trail that starts on a state highway with a 60 MPH speed limit and terminates on the steep section of Terrace Drive. Is that an asset or liability?
20. Pg 6 of the revised sketch plan shows 10' utility easements within the 60 ft ROW. Those should be on the private property not in Town ROW. ROW does not need easements.
21. The new water line needs to be connected to the existing water line in at least two places which are located so as to facilitate circulation and minimize the number of units out of service during any maintenance of the water lines. The current plans show two points of connection to the town main in Terrace Dr about 100 ft apart, not enough to facilitate either. The plans propose to add a new storage tank that would just address the domestic needs of the project and a small amount of fire flow, then the existing tank volume is being deducted from what they need. The storage tank for Vista Terrace needs to be a comprehensive solution rather than several small tanks that will be exhausted quickly.
 - a. Note the town requires 2 hours at 500 gpm for fire storage vs the proposed 1 hour at 750 gpm. Lines need to be sized for 750 gpm in this area per town standards. The new water lines should be designed as 6" lines. Calculations demonstrating that the project will carry 750 gpm shall be provided with the Preliminary Plat.
22. Demonstrate how does water get to the new tank? What measures are in place to ensure the water turns over?
23. Are easements included on the lots? Are the dotted lines, setbacks or easements? Please clarify with the Preliminary Plat that all minimum easement widths and uses required in the RMC are being provided.

Sketch Plan Narrative

24. Pg 2 of the narrative says 11% slope is suitable for development. The max slope for a town street is 7%. Leach fields are typically supposed to be level. Not sure of the basis for the concluding 11% is suitable. Plowing icy or snow packed roads steeper than 7% is challenging and a bit hazardous. Provide further explanation in the narrative as to why this was concluded?
 - a. Before the Town can agree to the current road configuration or to taking on long-term maintenance responsibilities, the proposed slopes of the roadways shall be provided or, at a minimum, provide a maximum slope the roads within the subdivision will not exceed. Anything steeper than 7% should be given very careful consideration.
25. Pg 2: Very little of Lots 7, 10 and 14 are shown within the 300 ft radius of a fire hydrant. This hydrant layout is a bit different from the original sketch plan. Is this revised version the correct version?
26. Pg 3: Bullet #7 says to they want to encourage ADU's. That will further increase the necessary size of the sewage disposal system, put more usage on their rural road, and more demand on the water system. All calculations (water, sewer, fire flows/hydrant locations, roadway design, traffic counts, etc.) must account for all potential development, including ADU's.
27. What are the remaining obligations of the Town under the water and sewer agreement quoted on page 4 of the narrative?
28. Pg 4 notes the applicant intends to limit total disturbance to 10,000 sf. This area needs to include appropriate space for the original leach field and a replacement field.
29. Pg 5, states that roads are low density and people can walk in the roadway insinuating that off-street pedestrian connections and/or ADA sidewalks are unnecessary. If ADU's are encouraged, the overall

density will be close to one dwelling per acre. Town regulations require sidewalk which seems appropriate at that level of development. If on-street sidewalks are not provided, it is recommended that the road be widened by at least 5 ft to better accommodate pedestrians and bikes.

30. Pg 6 states the applicant believes they meet the intent of plat note 4 of the McChesney plat for storage by provide another small tank. Staff's interpretation of this is that the intent of this note was for the developer to provide a comprehensive solution. Smaller water tanks to serve only this development is not a comprehensive solution. (see comment #21 above)
31. Pg 8 of the narrative – CDOT permit: The Town, County, and CDOT worked to get the added lanes referenced here. That was intended as a band-aid. The narrative says the developer will pay their prorata share of improvements. The Town has already made improvements, if additional improvements are required, they should be paid for by the development that is triggering the need. Please clarify the intent of these statements.
32. Pg 8 – Cul de sac: The entire road is viewed as a cul-de-sac, therefore, the applicable rules, regulations, and standards of the RMC and other adopted standards shall be met. Please confirm these are all met with how the project is being viewed.
33. Pg 8-9: The narrative makes an argument that a second access to the development is not needed. At least since the mid 2000's the Town has required two access points, although in several cases one has been emergency only. Town staff shared this requirement with Mr Quigley who indicated that an emergency access was practical. This second access shall be shown on the Sketch Plan to understand other impacts on the layout and design when that access point is added.
34. While the zoning does allow for a minimum lot size of 6,000 sf, this would only be allowed with the connection to municipal sewer which is not preferred by the applicant. Therefore, the standard should not be evaluated on the zoning allowances, but rather the OWTS standards for minimum lot size, separation, setbacks, and other siting and design criteria.
35. Pg 6 mentions that a storm water system will protect water quality but no provisions for storm water management have been included in the sketch plan materials. The project shall provide for a comprehensive solution to storm water management and not leave it to individual lots.

Please review these comments and provide written responses to each. Where necessary, please update the various Sketch Plan materials and resubmit them to the Town for further review and evaluation. Please reach out if you have any questions regarding these review comments at tdlubac@planstrategize.com or 970-744-0623

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Cc: David Reed, Legal Representative for Owners
Preston Neill, Town of Ridgway Town Manager
Joanne Fagan, Town of Ridgway Town Engineer

September 6, 2022

Alpine Planning, LLC
c/o Chris Hawkins
PO Box 6542
Ridgway, CO 81432

E-Mail: chris@alpineplanningllc.com

RE: Four Winds Sketch Plan, Planning Commission Action Letter.

Dear Mr. Hawkins:

At its regularly scheduled meeting on August 30, 2022, the Town of Ridgway Planning Commission voted to continue the Sketch Plan for the Four Winds Subdivision to the December Planning Commission meeting (which may be held in January 2023 due to holidays) at your request as the applicant's representative. The vote passed 6-0. The Commissioners continued the application to allow time for the development team to further address the comments and topics discussed in the meeting in coordination with town staff. A summary of those topics is below:

- Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.
- Lack of secondary access to Vista Terrace Subdivision.
- Reduce the proposed density and number of accessory dwelling units.
- Visual impact of development along the ridgeline.
- Preference to connect to sanitary sewer services to serve this project rather than OWTS.
- The project is located outside of the Initial Growth Boundary (IGB) as identified in the 2019 Master Plan.
- CPW's concerns with the impact the development could have on wildlife habitat.
- Concerns brought up in the Four Winds Sketch Plan, 2nd Review Comments letter.
- Other topics and discussions that were brought up and identified in the hearing.

Please prepare responses to these items, and others discussed in the staff review letter and brought up in the hearing and reach out to me to coordinate a follow-up meeting with Town Staff and consultants to discuss the application.

If you have any questions regarding any of this information, please feel free to reach out to me at 970-744-0623 or TDLubac@PlanStrategize.com.

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Cc: Preston Neill, Town Manager, Town of Ridgway
Eric Faust, Four Winds Ranch 1, LLLP



Memorandum

To: Randee Reider, R5 Access Manager
From: Matt Brown, PE, PTOE
Date: 12/28/2022
Re: Four Winds TIS Access Review

Based on State Highway Access Code (SHAC) requirements, the Four Winds development requires a state highway access permit application at the Terrace Drive access to CO-550:

Highway:	Access:	Milepost:	Side:
550B	Terrace Drive	104.62	Right

Project: Four Winds

Submittal Type: ☒ Traffic Impact Analysis ☐ Variance Request
☒ Turn Lane Analysis ☐
Document date: 10/6/2022 ☒ Original ☐ Revision
Consultant: Dibble
Engineer of Record: Nicholas J. Westphal, PE

TIS Review Comments

After reviewing the traffic study and discussing it with you, I recommend that the Applicant be asked to resubmit the traffic study to address the following issues:

1. Traffic Data Collection

The traffic data was collected in two-hour blocks which is not conducive to performing a peak hour analysis as required by the State Highway Access Code. Intersection turning movement counts should be collected in 15-minute intervals to enable the peak 60-minute interval and corresponding peak hour factor to be determined. In addition, the amount of existing traffic using the access is less than expected given the level of existing development and applying rates from the ITE Trip Generation Manual. A recount is requested to provide the additional detail needed for the study and to confirm current traffic activity at the driveway.

2. Trip Generation

The study assumes the correct number of accessory dwelling units allowed by the current entitlements. However, given that accessory dwelling units may consist of stand-alone dwelling units (e.g., tiny homes) it is reasonable to apply single-family detached trip generation rates to them. By my calculation, using the fitted curve (recommended) rather than the average rate and including the 11 units for the neighboring development, I estimate

30 site-generated trips during the a.m. peak hour and 38 site-generated trips during the p.m. peak hour. The study calculated 25 trips during the a.m. and 33 trips during the p.m. peak hour.

3. Trip Distribution

In this case, how trips approach and depart the access is best estimated based upon existing traffic count data. Directional trips along CO-550 reflect 230 (32%) northbound and 495(68%) southbound during the a.m. peak hour and 661(66%) northbound and 336(34%) southbound during the p.m. peak hour. In light of this data, a directional split of 2/3 (66.6%) to and from the south and 1/3 (33.3%) to and from the north seems reasonable.

In addition, the applicant's traffic engineer has requested that CDOT consider reducing the posted speed limit at this location from 60MPH to 45MPH. Doing so would extend the 45MPH zone from Ridgway approximately $\frac{3}{4}$ mile further north. Absent a speed study that supports such a change, modifying the speed limit is not recommended.

Submittal review status

- ☒ Submittal reviewed. Additional information requested. See comments above.
☐ Submittal reviewed and found acceptable. See special terms and conditions, if any, below.

Traffic Volume Summary for 550B MP 104.62 Right (Terrace Drive)

	2042 Background Traffic	Project Traffic	Project/Existing
PM Peak Hour	TBD	TBD	>20%
AM Peak Hour	TBD	TBD	>20%

Total count of all vehicles (peak hour): **TBD**

Access Category: R-A, speed limit (primary) 60MPH, (secondary) 60MPH

Terms and Conditions

TBD



Memorandum

To: Randee Reider, R5 Access Manager
From: Matt Brown, PE, PTOE
Date: 2/13/2023
Re: Four Winds TIS Access Review

Based on State Highway Access Code (SHAC) requirements, the Four Winds development requires a state highway access permit application at the Terrace Drive access to CO-550:

Highway:	Access:	Milepost:	Side:
550B	Terrace Drive	104.62	Right

Project: Four Winds

Submittal Type: ☒ Traffic Impact Analysis ☐ Variance Request
☒ Turn Lane Analysis ☐

Document date: 1/18/2023 ☐ Original ☒ Revision

Consultant: Dibble

Engineer of Record: Nicholas J. Westphal, PE

TIS Review Comments

Comments on the previous submittal have been addressed by the Applicant.

Submittal review status

- ☐ Submittal reviewed. Additional information requested. See comments above.
☒ Submittal reviewed and found acceptable. See special terms and conditions, if any, below.

Traffic Volume Summary for 550B MP 104.62 Right (Terrace Drive)

	2042 Background Traffic	Project Traffic	Project/Existing
PM Peak Hour	19	34	>20%
AM Peak Hour	15	27	>20%

Total count of all vehicles (peak hour): **53**

Access Category: R-A, speed limit (primary) 60MPH, (secondary) 60MPH

Terms and Conditions

1. The Applicant shall provide a southbound left-turn deceleration lane meeting the requirements outlined in Section 4.8 Speed Change Lanes of the State Highway Access Code. For R-A highways, left-turn deceleration lanes consist of decel length + storage. The required taper length is included with the stated decel length.
2. For the 60MPH highway, the deceleration length shall be 700 feet, including a 25:1 taper. Twenty-five (25) feet of storage length shall be provided.
3. The geometric requirements listed above shall be adjusted for any grade of three percent or more.

Audra Duke
205 Cimarron Dr.
Ridgway, CO 81432

March 31, 2023

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission,

Re: Four Winds Development Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

I have to say here we are again and I'm not actually sure why we're here again as it seems like in the updated proposal, very little of what you've requested / required from the developer has been enacted from the meeting in January to now. And I feel quite perplexed by this.

I don't think there's really any doubt that this property will be developed at some point. I think there are plethora doubts that this developer and / or the proposed development is one that fits the needs of the community or that it is a match for the area being proposed.

We (Ridgway) are already in the throes of "rural gentrification," which is, in and of itself, quite concerning. And if that is the direction town wants to direct its energy and funds, then so be it. I believe we all live here for a reason and that reason is seemingly changing before our very eyes at a very rapid pace. Regardless, I don't think the urban infill model is appropriate for Vista Terrace, nor is this development really targeting that market, either. Let's face it, with a minimum square footage home at 2500-3000 square feet, it's not likely to make a dent in our housing crisis. In fact, at the price point, it will simply heighten the problem. I applaud the developer for understanding there is an affordable housing crisis here in Ridgway and for wanting to contribute financially to that crisis. AND, it feels a little misguided and like a very slippery slope, given that somehow it is tied to this project. It feels confusing the developer states he cannot afford to reduce the number of homes built in Four Winds yet can shell out 500k to town for affordable housing? Seems fishy to me. I'm hopeful town staff and commissioners can see that for what it is – a shiny distraction to push this project

through, with complete and utter disregard for what has been requested by town from the developer to push the project through. Maybe can we address the needs at hand for the development to make sense vs. use a shiny distraction tactic to entice town? The current residents of VT and Commissioners and Mayor Clark have asked this developer to address the density (lower it, not keep it the same and add in ADU units), to address the safety concerns – the highway, which is being addressed thanks to CDOT, and the emergency access – one that is accessible and usable year-round and one that an actual Prius could drive on? I don't remember receiving the memo that emergencies will only happen in the summer, as was stated at the last meeting as a plausible reason to have an emergency route accessible only in summer. I believe the wildfire near Boulder in December 2021 that destroyed nearly 1,000 homes in a few hours shattered the illusion that emergencies only happen in summer. So can we please address this issue with care and legitimacy? Can we please address the wildlife issue with accuracy and consideration? Can we please address the issue that open space is not usable open space? Can we please address that there's no secondary access, thus a usable, year-round emergency access route is crucial.

Thank you again for your time and consideration.

Warm regards,

Audra Duke



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds Development Proposal

1 message

Preston Neill <pneill@town.ridgway.co.us>
 To: Anthony Gegauff <gegauff5@gmail.com>
 Cc: TJ Dlubac <tdlubac@planstrategize.com>

Wed, Mar 29, 2023 at 7:47 AM

Hi Anthony,

I'm confirming receipt of your email and the graphic you prepared. Thank you for taking the time to pen your thoughts and concerns related to the Four Winds Subdivision application. Your email and graphic will be made available to all members of the Planning Commission and included in the record for the public hearing that will take place on the evening of April 4th.

All the best,

Preston Neill**Ridgway Town Manager**

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway

**From:** Anthony Gegauff <gegauff5@gmail.com>**Sent:** Tuesday, March 28, 2023 5:28 PM**To:** Preston Neill <pneill@town.ridgway.co.us>

Cc: Steve McComb <smccomb63@gmail.com>; Ann Mellick <amellick@yahoo.com>; Lorry Brash <albrash@mac.com>; Connie Anderson <connielu99@icloud.com>; casedog72@yahoo.com; hodgkinsonkathleen@gmail.com; Michelle Smail <mtsvtlove@gmail.com>; jack fay <jkfay@msn.com>; kent.blackwell@outlook.com; Mark & Tammy Monroe <markandtamm@kw.com>; Phil and Ann Plienis <pplienissprint9@earthlink.net>; Dan Brillon <dan.brillon@gmail.com>; timbobparker@gmail.com; Jim Corthouts <ichorhoo@yahoo.com>; Roy clingan <searchtheweb1950@gmail.com>; Kelly Drake <Drakeski89@gmail.com>; Joan Alexander <alex2saba@yahoo.com>; David Burger <DLBBCG@aol.com>; juliegawlowski@gmail.com; Kathy Ewert <encoregardens@gmail.com>; Clint Estes <clintestes@hotmail.com>; Todd Selin <toddselin@gmail.com>; paulsainio@gmail.com; Ulanco@hawaii.rr.com; john.brake@desco.com; Saulena Wenger <saulena@q.com>; Mike & Janet Roggero <mikejancounsel@hotmail.com>; Chaucey Edwards <chaucey_edwards@yahoo.com>; Kehughes@gmail.com; fquist42@gmail.com; Mark Monroe

<Nosmallthinking@yahoo.com>; Joan Chismire <jchismire@gmail.com>; Dave and Saulena Wenger <davewenger@msn.com>; Kevin Chismire <kchismire@gmail.com>; Debbie Conyers <debbie@conyers-architect.com>; Addie Valrie Tesch <addiev2017@gmail.com>; Matt Gawlowski <mattgawlowski@icloud.com>; Joe Wodiuk <jwconst@comcast.net>; Joan Moyer <jmoy670@gmail.com>; Audra Duke <audraduke@yahoo.com>; Kim Forrester <kcforrester@yahoo.com>; jdunbarj@gmail.com

Subject: Four Winds Development Proposal

Hello Preston,

Attached is a graphic depiction of what could easily occur with catastrophic results. With its approval of the Four Winds Development Ridgway could be liable for death and injury, if this plausible scenario becomes reality.

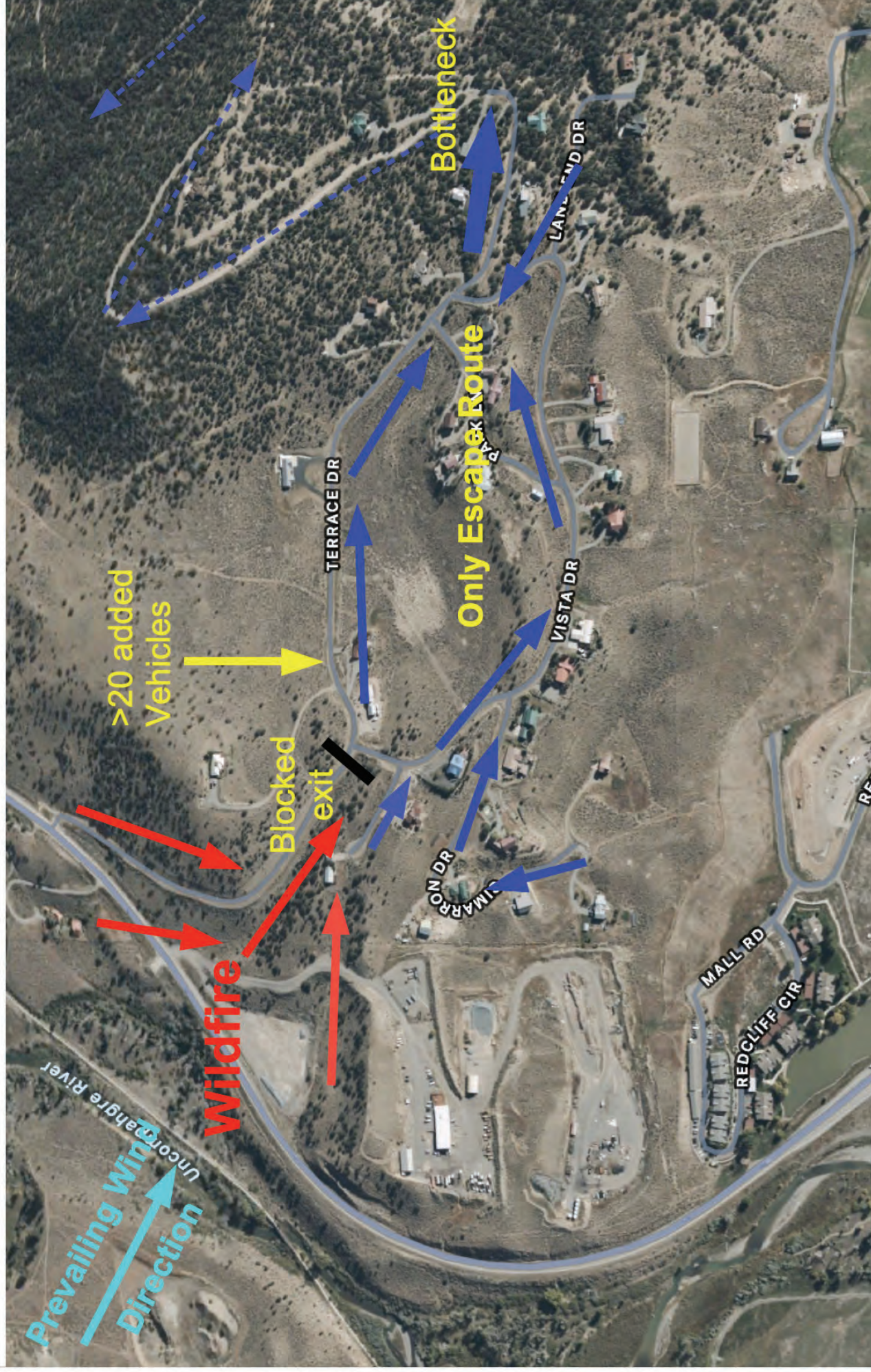
Please submit this to the Committee for its consideration.

Respectfully submitted,
Anthony Gegauff, Home Owner
615 Terrace Dr



Blocked exit.pdf
4540K

Wildfire Scenario Blocking the Only Outlet



Clint Estes
PO Box 5
Ridgway, CO 81432

March 29, 2023

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission

RE: Four Winds Subdivision Proposed Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

Hello Again,

First off, I am in no way attempting to close the development door behind my own investments. I am NOT opposed to growth and development. Those of you that know me, know that I have worked my butt off for over a decade, sacrificing personal income in order to build affordable and quality homes for the individuals that seek out my services. I have a deep and committed passion to aid in our "affordable housing crisis." So much so that I have committed to building the "affordable housing" project for the Home Trust of Ouray County.....regardless of how much or how little income I personally receive. My passion is about principle and about helping to create a community that I can be proud of.....one that we can actually live in together.

I do believe that town staff and the planning commission are doing the best job they can with the resources available. Yet, myself and much of the public have witnessed what seems to be a breakdown in communication between staff and commission. Why is this? We have all heard the planning commission repeatedly ask the developer of the Four Winds Subdivision for very specific public safety items such as PERMANENT and serviceable secondary access, LOWER DENSITY, MORE usable and unobstructed open space for wildlife, ensuring SAFE and appropriate water resources to address future wildfire incidents, highway turning lane expansion(s).....just to name a few. Some of these items have been addressed but many have not. And here we are again, yet now facing the half million dollar integrity buyout option. Why is staff wasting the developers time? Or are they? I cant help but think that the issue has created a tone deaf atmosphere.

I'm going to go ahead and be just a little blunt and possibly abrasive here. In the word of psychologist Martin Turpin, "Bullshitting is human nature in its honest and naked form". Well, lets be honest.....This proposed development is BULLSHIT! It's a high density cluster of McMansions that might as well fly a "buy your 3rd home here!" banner. Is that what the town wants? Lets be honest, regardless of how the property gets developed, its NOT going to be the high density urban infill model that will help reduce housing strain. Whether the property has 6 home sites or 40, it only elevates the desirability of Ridgway and grows real estate values. The largest issues at hand are the considerations of public safety for current AND future residents, the welfare of wildlife, and the preservation of the "look and feel" of the

open space surrounding Ridgway. I commend the developer offering the town a half million dollar check to approve his sketch plan. That's a bold move. One that I think creates a very sticky and ultimately negative situation. Again, tone deaf and also feels disrespectful.

Are we allowed to identify the Elephant in the room? I really do want to play nice. I never try to make enemies but I have to say it like I see it, This Developer is bleeding hypocrisy. I don't know the developer personally and I imagine that he has motives outside of the obvious financial gain, yet I'm left to make my own judgments based on the actions I (we) have witnessed. I don't see that the planning commission requests having been addressed. There is still no secondary access. There is still no lower density. Still no more usable open space.....it goes on and on. The barely usable ranch road that the developer stated "you could drive a Prius on" is bullshit and still not going to be improved. The developer stated that the area "is NOT a wildlife corridor", yet the DOW just hauled away a dead mountain lion that got hit by a car at the VT turn a couple weeks ago.....chasing a kill across the highwayBULLSHIT. The developer states that he cant meet the public safety demands or lower the density due to profit margin, yet can throw a half million dollar bribe at the town of Ridgway....BULL...you get the idea. You can call it a "fee in lieu" or whatever you want to call it, but the public will not see it as anything other than a bribe for the commission to lower the MODERN standards. It doesn't matter what rhetoric the developer speaks and says what the bribe is for, IT IS STILL A BRIBE!

Why is the developer pushing so hard for this? He says "Ridgway is his home" yet he is persistent on making enemies every month this goes on. I think the public has been fairly outspoken about their disapproval of this sketch plan. I have not heard planning commission speak in support of this sketch plan, yet here we are again. Can we use the county road 5 debacle as a telltale for how big money will get its way unless local government nips it in the bud early on? I understand that the Four Winds is going to be developed in one way or another someday. It is "ripe for development"and maybe this developer could tastefully pull it off, but the way this has unfolded has done major damage to the developers reputation, as well as caused the public to question the cohesion between town government and town staff. If the developer really wants to positively contribute to this community, I can think of a number of ways he can contribute BEFORE looking to capitalize on it. I don't like personal attacks, but this has turned into an attack on the integrity of Ridgway.

I believe the public could get behind a project scope of maybe 6-8 dispersed building lots on the parcel. I get that the town made an oversight in not addressing the parcel during the multi-year master plan review. I get that the focus was on urban infill and higher density with the intent of lowering housing cost and creating community. A development attempt on the Four Winds parcel has failed multiple times in the past and it appeared as though it would only be purchased for a future single "ranch home" due to the outstanding challenges. I urge commission to deny this sketch plan AND ask staff to re-address the zoning of this parcel.

These are the moments that shape the future. This town does not need another cluster of ranchettes that sit vacant 6 months of the year contributing to more of our housing and affordability crisis. And no, robbing peter to pay paul does not solve our problems. Please consider the "tone" of this situation and the repercussions of public opinion.

Respectfully,

Clint Estes



TJ Dlubac <tdlubac@planstrategize.com>

RE: 4/4 Four Winds Sketch Plan Comments

1 message

Preston Neill <pneill@town.ridgway.co.us>

Tue, Mar 28, 2023 at 11:32 AM

To: Dan Brillon <dan.brillon@gmail.com>

Cc: John Clark <jclark@town.ridgway.co.us>, TJ Dlubac <tdlubac@planstrategize.com>

Hi Dan,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the Four Winds Subdivision application. Your email will be made available to all members of the Planning Commission and included in the record for the public hearing that will take place on the evening of April 4th.

All the best,

Preston Neill**Ridgway Town Manager**

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.uswww.colorado.gov/ridgway

From: Dan Brillon <dan.brillon@gmail.com>**Sent:** Monday, March 27, 2023 6:53 PM**To:** John Clark <jclark@town.ridgway.co.us>; Preston Neill <pneill@town.ridgway.co.us>**Subject:** 4/4 Four Winds Sketch Plan Comments

Dear Ridgway Mayor and Town Manager:

Here we are yet again. Despite numerous requests from the Planning Commission to reduce the number of lots, we are still at 20 with the argument that the development just can't make money with any fewer lots. And yet we now appear to have a proposed \$500k donation to go towards affordable housing initiatives. Well, I guess if you can't get your proposal through on the merits, just try and buy off the Planning Commission for another high priority but unrelated initiative.

Let me say this as clearly as I can. **IF THIS DEVELOPMENT IS APPROVED AS SUBMITTED, IT WILL DESTROY THE VERY SPECIAL RURAL CHARACTER OF VISTA TERRACE.** Not to mention all the numerous other negative impacts already brought up (safety, infrastructure, wildlife, etc.).

These 20 lots all clustered together on a concentrated area of the property are completely incongruent with the existing neighborhood and fly in the face of the basic development best practice of decreasing development density as you get further from the town core. What would be appropriate here is something more like Dallas Meadows with the building locations spread out and more in the range of 3+ acres thus creating a nice transition from Vista Terrace to the 35+ acre zoned County ranching property to the north. For some reason this developer just can't seem to comprehend this kind of development transition.

I'm sorry, but all of this has me questioning whether this is the right developer for this unique property. Kind of like the statement last time that the proposed Emergency Access option required "no improvements" and you could "drive a Prius on it today" both of which fly in the face of the facts on the ground. Or the continued reference to all the open space graciously being provided which is just land that can't be developed nor enjoyed as open space. Or the much lower average density metric than Vista Terrace which is completely misleading because of the very high ratio of supposed "open space" noted above. And what about Four Winds "Phase II" on the remainder of the Endicott property, for which the developer holds a right of first refusal? I know it's not part of this review, but we have to be aware of this bigger picture consideration in terms of what may be influencing decisions related to this development.

Thank you for taking the time to consider these items (yet again), and I respectfully ask that you once and for all deny this misguided development application.

Sincerely,

Dan



TJ Dlubac <tdlubac@planstrategize.com>

RE: Vista Terrace P & Z meeting April 4, 2023

1 message

Preston Neill <pneill@town.ridgway.co.us>

Thu, Mar 30, 2023 at 7:42 AM

To: Joan Chismire <jchismire@gmail.com>

Cc: Stephen McComb <smccomb63@gmail.com>, jack fay <jkrfay@msn.com>, Kevin Chismire <kchismire@gmail.com>, TJ Dlubac <tdlubac@planstrategize.com>

Hi Joan,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the Four Winds Subdivision application. Your email, photos, and the excerpt document you shared in the other email will be made available to all members of the Planning Commission and included in the record for the public hearing that will take place on the evening of April 4th.

Thank you,

Preston Neill**Ridgway Town Manager**

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.uswww.colorado.gov/ridgway

From: Joan Chismire <jchismire@gmail.com>**Sent:** Wednesday, March 29, 2023 6:26 PM**To:** Preston Neill <pneill@town.ridgway.co.us>**Cc:** Stephen McComb <smccomb63@gmail.com>; jack fay <jkrfay@msn.com>; Kevin Chismire <kchismire@gmail.com>; Joan Chismire <JChismire@gmail.com>**Subject:** Vista Terrace P & Z meeting April 4, 2023



At the crest of the road past Mrs. Endicott's home (Cul-de-sac with narrow road access discussed last meeting for Emergency egress)



This is the secondary egress proposed previously by 4 Winds

Development



This is a ditch/ pond directly in our green space area across from Lot 2 and Terrace Drive that holds water for quite a long time before showing any change.

Deer and elk come to drink and count on this as one of their watering holes. There is a lot of clay in our soils in VT. I can relate a story regarding clay if requested.

Preston-

I will be speaking at the Tuesday evening P & Z meeting. Please include me in the discussion. I do not know if these pictures are able to be shown when it is my turn. Thank you-

Joan Chismire



Minutes of Architectural Control Board Vista Terrace 9.6.1984a.pdf

73K

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Development Documents Revision Dated March 13, 2023

Dear Mr. Neill,

I would appreciate this letter be added to the packet for the upcoming April 4th Planning Commission meeting regarding the Four Winds proposed development.

The following are my inputs regarding the latest submittals by the proposed Four Winds proposed development:

Secondary, Emergency Egress > Major Action Item Refused by Developer

Four Winds initially proposed an existing, old, dilapidated road as a solution to the emergency egress. At the January 31st meeting of the Planning Commission, Four Winds changed the emergency access/egress to "summer only" usage. At this same meeting, Four Winds was directed to offer a solution whereby they would rebuild the road to allow for two way traffic as well as heavy, emergency vehicles during all seasons of the year. On the current revision of the Four Winds documents, they state that the current owner (Cheryl Endicott) of the previously proposed emergency only egress road property absolutely will not allow Four Winds to improve this road exiting around the ridge to CR12, and it is not "financially feasible" anyway. In my opinion, this road was never a good solution, but now that it is for a summer only egress with no improvements, it is a totally non-functional solution.

Density Concerns Relating to Reduction of the Number of Lots > Major Action Item Refused by Developer

Four Winds states that due to the increasing infrastructure costs and "limited profitability" of the project, they are not able to reduce the number of lots, per the request by the Planning Commission. However, they are able to offer \$500,000 to the Town of Ridgway for Affordable Housing Initiatives, if the project is allowed to move forward. In my opinion, this money would be better spent by reducing the number of lots in the development or increasing the safety of the neighborhood by designing a true secondary access/egress rather than attempting to use it to sway favor with the Planning Commission and sweep major issues under the rug.

Full Secondary Access/Egress

Four Winds spends a lot of verbiage in these revised documents outlining the idea that no additional access was planned initially with the Vista Terrace Development over 40 years ago, as well as when the McChesney Minor Subdivision annexed into the Town about 30 years ago. They also complain that the River Sage Development has no true secondary access/egress as further rationalization that a secondary access/egress is not a requirement. My opinion is that the mistakes of the past do not rationalize current inaction that would resolve any major housing development issue. If unsolved, this means that the residents of Vista Terrace and future residents of Four Winds are just going to have to live with the dangers associated with a single way in and out of our neighborhood that exits onto a high speed highway. This development just doesn't make sense from a safety standpoint.

New Horseshoe Clustered Lot Design

The Sketch Plan shows a new lot design that is a horseshoe style rather than the initial lollipop design. This was based on Planning Commission members' input given in good faith to help resolve the density issue and make the road more functional. The horseshoe road has a 60 foot wide right of way, including a 24 foot wide gravel road, and a 4 foot fine gravel sidewalk all the way around. It has two entrances to Terrace Drive. Also, the road has been designed to come in close proximity to existing homes to the east and west of their development. My opinion is that this design is much worse and creates an urban, clustered feel that will stick out like a sore thumb in this neighborhood. It will impact wildlife much more as well, since there will be additional man made infrastructure in this corridor.

Open Space Calculation

Four Winds continually makes the statement that their proposed subdivision has much more open space included within its borders than either the Vista Terrace Subdivision or what is required per Town zoning regulations. They state that they have 70% open space. Once one looks at how this is calculated, you can see that 12.74 acres or 39% of this open space is made up of the deep gully that follows Terrace Drive down to Highway 550 on the west side and also the over 30% steep grades on the east side of Terrace Drive. Not only is this open space totally undevelopable, but it is removed from the area where the clustered lots are located so it seems disingenuous to include this acreage in a calculation of open space for the development.

Four Winds Phase Two

It appears to me that there is more going on here than meets the eye with this 20 lot development. I ran into a woman the other day that lives on the east side of the Endicott ridge. She said she is hearing talk of phase two of the Four Winds development in which they are planning a massive housing development covering all of the Endicott property. Perhaps they are trying to get the current 20 lot subdivision pushed through Town, which would grease the skids to get all of the Endicott property annexed into Ridgway and allow for higher density development over what the county will allow. I realize that rumors can be totally false, but if you remember on the original Four Winds documents way back when, there was a note stating that Four Winds has first right of refusal for the remaining Endicott property. In my opinion, that note was removed from subsequent documents relating to Four Winds in order to not overly alarm the neighborhood and Town. Also, the overall cost of the land (approx. \$1M), infrastructure (\$1.9M), turning lane (approx. \$1.25M), and the new \$500,000 donation to the Town is getting the developer's cost very high to make sense for 20 lots. It makes a lot more financial sense, if Phase Two of Four Winds comes to fruition.

Once again, I very much appreciate the opportunity to give my input to the Town of Ridgway Planning Commission.

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199 / smccomb63@gmail.com



Official Use Only

Receipt # _____

Date Received: _____

Initials: _____

Planning Commission Hearing Request

General Information

Applicant Name	Chris Hawkins dba Alpine Planning, LLC	Application Date	04/21/22
Mailing Address	P.O. Box 654, Ridgway, CO 81432		
Phone Number	(970) 964-7927	Email	chris@alpineplanningllc.com
Owner Name	Four Winds Ranch I LLLP & Estate of Bernadine C. Endicott - David Reed, Represe		
Phone Number	(970) 249-3806	Email	jdreed@martinlawfirmmpc.com
Address of Property for Hearing	741 Terrace Drive		
Zoning District	Residential Low Density & Future Development		

Brief Description of Requested Action

Subdivision Sketch Plan for 20 lots on 42.49 acres

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-18(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-19	\$250.00	<input checked="" type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-20	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-21	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-22	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-23	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-117	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Residential Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-16	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$_____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-25(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



Attachments Required

For All Applications

- ☒ Evidence of ownership or written notarized consent of legal owner(s).
- ☒ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), this may include a narrative, site plans, and/or architectural drawings drawn to scale.

For Conditional Uses

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

For Rezonings

- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☒ All requirements established by Municipal Code Section 7-4.
- ☒ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected. Contact with a Planning Commission or Town Council member regarding your application constitutes ex parte communication and could disqualify that Commissioner or Councilor from participating in your hearing. Please contact staff with any questions.

04/22/2022

Applicant Signature

Date

Owner Signature Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner,
by J. David Reed as Attorney for Cheryl Endicott as Personal Representative
of the Estate of Bernadine C. Endicott, deceased

Date

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.



TOWN HALL PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5308 | www.town.ridgway.co.us

**TOWN OF RIDGWAY, COLORADO
ACKNOWLEDGMENT OF FEES AND COSTS**

Four Winds at Ridgway, LLC ("Applicant") and Four Winds Ranch I LLLP and Bernadine C. Endicott ("Owner") do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

Applicant and Owner acknowledge that no plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or final approval action taken until all fees then due are paid to the Town.

Applicant and Owner acknowledge that the Town may suspend review of submittals, inspection of improvements, and processing of a subdivision, as it deems appropriate, unless all amounts are paid as due.

Applicant and Owner further acknowledges that unpaid fees may be certified to the Ouray County Treasurer for collection as delinquent charges against the property concerned.

Acknowledged this 22nd day of April, 2022.

APPLICANT:

FOUR WINDS AT RIDGWAY, LLC
By: Tim Currin, MANAGER
Tim CURRIN, authorized signer
(print name)

PROPERTY OWNER:

By: J. David Reed

Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner,
by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the
Estate of Bernadine C. Endicott, deceased.

By: J. David Reed

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal
Representative of the Estate of Bernadine C. Endicott, deceased.



TOWN HALL PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5308 | www.town.ridgway.co.us

AUTHORIZATION OF AGENT

I/we, the undersigned owner/s of the following described real property located in the Town of Ridgway, Ridgway, Colorado, hereby authorize:

Four Winds at Ridgway, LLC, Chris Hawkins dba Alpine Planning, LLC & Buckhorn Engineering

(Name of Authorized Agent)

To act in my /our behalf in applying for the following permits from the Town of Ridgway, as required by existing Town of Ridgway regulations pertaining to zoning, building, encroachment, excavation, and/or utilities.

Legal property description *(include: lot, block, subdivision, physical address)*:

Lot 2 McChesney Subdivison and Portion of the Endicott Property(9.95 acres)

Signature: 

Date: 4-22-2022

Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.

Signature: 

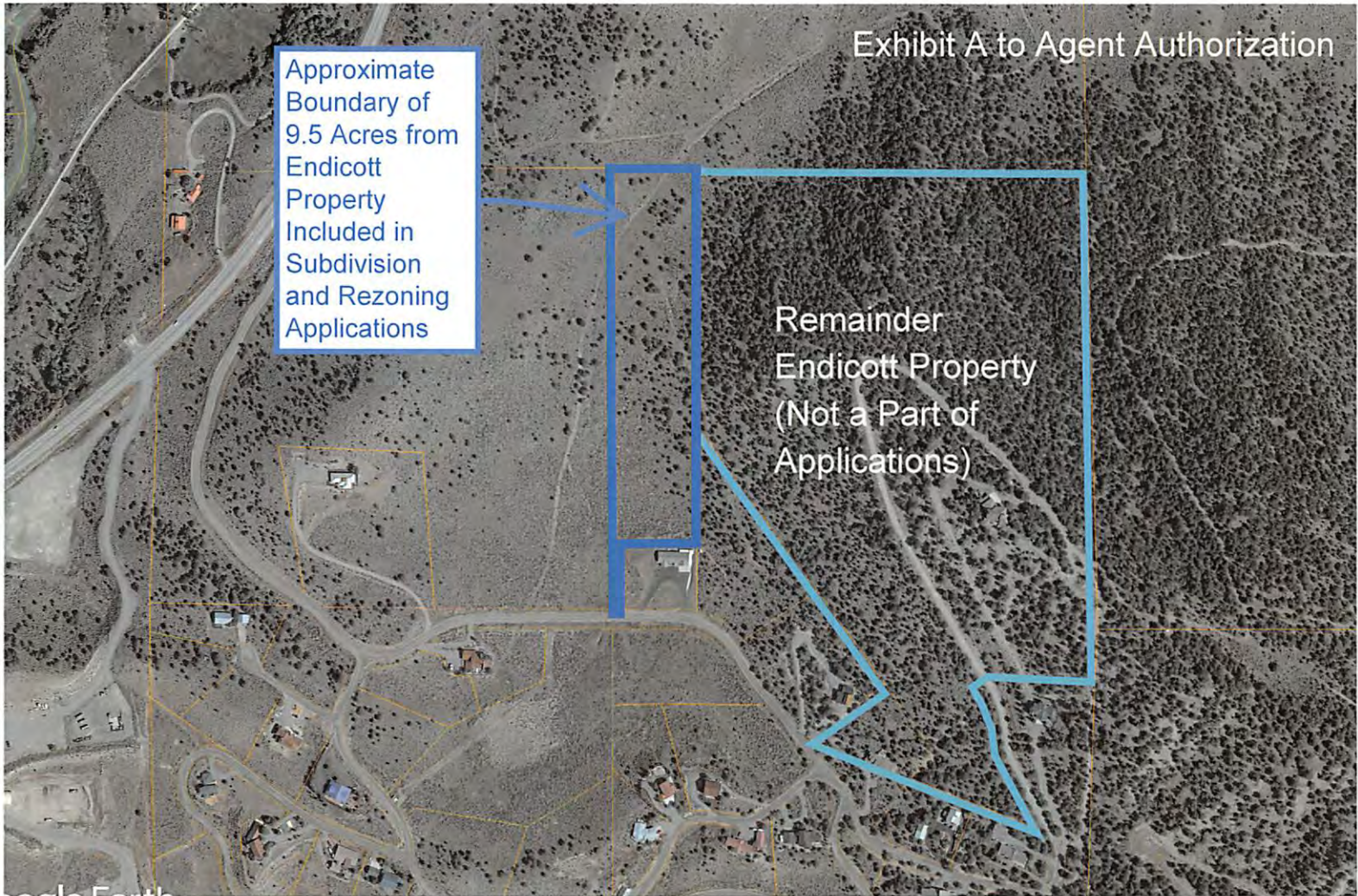
Date: 4-22-2022

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.

Exhibit A to Agent Authorization

Approximate
Boundary of
9.5 Acres from
Endicott
Property
Included in
Subdivision
and Rezoning
Applications

Remainder
Endicott Property
(Not a Part of
Applications)





THE MARTIN
LAW FIRM

Brent A. Martin
J. David Reed, Of Counsel

April 22, 2022

Town of Ridgway
Planning Commission
P O Box 10
Ridgway, CO 81432

Re: Four Winds Ranch I, LLLP & Estate of Bernadine C. Endicott

To Whom It May Concern:

The office of J. David Reed, P.C. has, for many years, served as legal representative and attorney for Bernadine C. Endicott. Ms. Bernadine C. Endicott recently died. This office has now been retained by Cheryl Endicott to represent the Estate of Bernadine C. Endicott and to represent Cheryl Endicott, as Personal Representative of the Estate. A probate action has been filed in the Ouray District Court and Letters Testamentary have been issued appointing Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott. A copy of the certified Letters is attached. The Estate includes the Ouray County real property which was owned by Bernadine C. Endicott, as well as the general and limited partnership interests which were owned by Ms. Endicott in Four Winds Ranch I, LLLP.

As Ms. Cheryl Endicott's attorney and legal representative, J. David Reed is authorized to execute documents on behalf of Cheryl Endicott, as Personal Representative of the Estate of Bernadine C. Endicott.

Sincerely,

J. David Reed

121 North Park Avenue, Montrose, Colorado 81401

Phone (970) 249-1237 Fax (970) 249-3650

bmartin@martinlawfirmnpc.com

jdreed@martinlawfirmnpc.com

www.martinlawfirmnpc.com

DISTRICT COURT, OURAY COUNTY, STATE OF COLORADO Court Address: P O Box 643 Ouray, CO 81427 Phone Number: (970) 325-4405		DATE FILED: April 6, 2022 3:27 PM
In the Matter of the Estate of: BERNADINE C. ENDICOTT, Deceased.		▲ COURT USE ONLY ▲
Attorneys for Applicant: The Martin Law Firm J. David Reed, Reg. No. 9491 121 N. Park Ave. Montrose, CO 81401 Phone Number: (970) 249-1237 jdreed@martinlawfirmpe.com		Case Number: 2022 PR <u>30004</u> Div./Ctrm: <u>P</u>
LETTERS TESTAMENTARY		

Cheryl L. Endicott was appointed or qualified by this Court or its Registrar on April 6, 2022 as Personal Representative.

The Decedent died on February 17, 2022.

These Letters are proof of the Personal Representative's authority to act pursuant to §15-12-701, et. seq., C.R.S.

- ☒ The Personal Representative's authority is unrestricted; or
 The Personal Representative's authority is restricted as follows:

DATED: April 6, 2022

[Signature]
 Probate Registrar/(Deputy) Clerk of Court

CERTIFICATION

Certified to be a true copy of the original in my custody and to be in full force and effect as of 4/6/22 (date).

[Signature]
 Probate Registrar/(Deputy) Clerk of Court



CERTIFICATE OF TAXES DUE

Account Number R000294
Parcel 430509400146
Assessed To
FOUR WINDS RANCH I LLLP
741 TERRACE DRIVE
RIDGWAY, CO 81432

Certificate Number 2021-004350
Order Number 85007709
Vendor ID LAND_TITLE
JEANNE BOOTS
1561 OXBOW DRIVE
SUITE 2
MONTROSE, CO 81401

Legal Description				Situs Address	
Subd: MCCHESENEY MINOR Lot: 2 S: 9 T: 45 R: 8				TBD Ridgway	
Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$2,849.84	\$0.00	\$0.00	(\$2,849.84)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 12/27/2021					\$0.00

Tax Billed at 2020 Rates for Tax Area 201 - 201 - 201

Authority	Mill Levy	Amount	Values	Actual	Assessed
OURAY COUNTY (GENERAL FUND)	9.1410000	\$444.07	VACANT-10 AC BUT LESS THAN 35 AC	\$167,520	\$48,580
OURAY COUNTY (ROAD & BRIDGE)	1.5110000	\$73.40			
OURAY COUNTY (SOCIAL SERVIC	0.5560000	\$27.01	Total	\$167,520	\$48,580
SCHOOL DISTRICT R-2 (RIDGWA	13.1690000	\$639.75			
SCHOOL DISTRICT R-2 BOND (R	7.4530000	\$362.07			
TOWN OF RIDGWAY	8.6510000	\$420.26			
DALLAS PARK CEMETERY DISTRI	0.2050000	\$9.96			
COLORADO RIVER WATER CONSER	0.5020000	\$24.39			
RIDGWAY FIRE PROTECTION DIS	3.5910000	\$174.45			
TRI-COUNTY WATER CONSERVANC	1.9060000*	\$92.59			
RIDGWAY LIBRARY DISTRICT	2.8260000	\$137.29			
REGIONAL SERVICE AUTHORITY	0.3750000	\$18.22			
SCHOOL DISTRICT R-2 SALARIE	6.1450000	\$298.52			
OURAY COUNTY (EMS FUND)	2.0150000	\$97.89			
TOWN OF RIDGWAY RAMP BOND	0.6170000	\$29.97			
Taxes Billed 2020	58.6630000	\$2,849.84			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1, REAL PROPERTY - OCTOBER 1. **TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.**

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

CERTIFICATE OF TAXES DUE

Ouray County Treasurer, Jill Mihelich, BY
P.O. Box 149
541 4th St
Ouray, CO 81427-0149
(970) 325-4487





Land Title Guarantee Company Customer Distribution



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **OU85007709**

Date: **12/27/2021**

Property Address: **TBD TERRACE DRIVE, RIDGWAY, CO 81432**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Sherri Tompkins
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 248-3895 (Work)
(800) 830-1774 (Work Fax)
stompkins@ltgc.com
Contact License: CO567893
Company License: CO44565

Closing Associate

Beth Perkovich
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-3157 (Work)
(877) 346-4104 (Work Fax)
bperkovich@ltgc.com
Contact License: CO495682
Company License: CO44565

Closing Processor

Jamie Henson
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-3157 (Work)
(877) 346-4104 (Work Fax)
jhenson@ltgc.com
Contact License: CO497677
Company License: CO44565

For Title Assistance

Land Title Ouray County Title Team
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-7001 (Work)
(877) 375-5025 (Work Fax)
ourayresponse@ltgc.com

Buyer/Borrower

ERIC FAUST
Delivered via: Electronic Mail

Agent for Buyer

OURAY BROKERS
Attention: TIM CURRIN
257 SHERMAN STREET
UNIT A
RIDGWAY, CO 81432
(970) 325-0300 (Work)
(970) 325-0302 (Work Fax)
tim@ouraybrokers.com
Delivered via: Electronic Mail

Seller/Owner

FOUR WINDS RANCH I, L.L.L.P.
Attention: BERNADINE ENDICOTT
Delivered via: Electronic Mail

Agent for Seller

OURAY BROKERS
Attention: TIM CURRIN
257 SHERMAN STREET
UNIT A
RIDGWAY, CO 81432
(970) 325-0300 (Work)
(970) 325-0302 (Work Fax)
tim@ouraybrokers.com
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: **OU85007709** Date: **12/27/2021**
Property Address: **TBD TERRACE DRIVE, RIDGWAY, CO**
81432
Parties: **ERIC FAUST**
FOUR WINDS RANCH I, L.L.L.P.

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"ALTA" Owner's Policy 06-17-06	\$2,292.00
Deletion of Standard Exception(s)	\$75.00
Tax Certificate	\$27.00
	Total \$2,394.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Ouray county recorded 12/31/1996 under reception no. 163386](#)

[Ouray county recorded 11/08/1994 at book 231 page 205](#)

Plat Map(s):

[Ouray county recorded 10/26/1994 under reception no. 157917](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: OU85007709

Property Address:

TBD TERRACE DRIVE, RIDGWAY, CO 81432

1. Effective Date:

12/20/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06

\$895,000.00

Proposed Insured:

ERIC FAUST

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

FOUR WINDS RANCH I, L.L.L.P.

5. The Land referred to in this Commitment is described as follows:

LOT 2, MCCHESENEY MINOR SUBDIVISION, AS SHOWN ON THE PLAT RECORDED OCTOBER 26, 1994 AT
RECEPTION NO. [157917](#), COUNTY OF OURAY, STATE OF COLORADO.

Copyright 2006-2021 American Land Title Association. All rights reserved.

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: OU85007709

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. PARTIAL RELEASE OF DEED OF TRUST DATED OCTOBER 09, 2013 FROM FOUR WINDS RANCH I, L.L.L.P. TO THE PUBLIC TRUSTEE OF OURAY COUNTY FOR THE USE OF THE CITIZENS STATE BANK OF OURAY TO SECURE THE SUM OF \$200,000.00 RECORDED OCTOBER 09, 2013, UNDER RECEPTION NO. [210932](#).
2. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT LOCATION CERTIFICATE OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO DELETE STANDARD EXCEPTIONS 1-3 AND MUST DISCLOSE THE LOCATION OF FENCE LINES ALONG THE SUBJECT PROPERTY BOUNDARIES, IF ANY. (IF NO FENCE IMPROVEMENTS EXIST ALONG THE PROPERTY PERIMETERS, THE CERTIFICATE MUST AFFIRMATIVELY STATE SUCH). UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID IMPROVEMENT LOCATION CERTIFICATE WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT LOCATION CERTIFICATE.

3. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR FOUR WINDS RANCH I, L.L.L.P. RECORDED JULY 09, 2003 UNDER RECEPTION NO. [181613](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES BERNADINE C. ENDICOTT AS THE GENERAL PARTNER AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

4. A FULL COPY OF THE FULLY EXECUTED PARTNERSHIP AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR FOUR WINDS RANCH I, L.L.L.P. MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

5. WARRANTY DEED FROM FOUR WINDS RANCH I, L.L.L.P. TO ERIC FAUST CONVEYING SUBJECT PROPERTY.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: OU85007709

All of the following Requirements must be met:

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED:

A. UPON RECEIPT BY THE COMPANY OF A SATISFACTORY FINAL AFFIDAVIT AND AGREEMENT FROM THE SELLER AND PROPOSED INSURED, AND A IMPROVEMENT LOCATION CERTIFICATE OF THE LAND, ITEMS 1-4 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED. ANY ADVERSE MATTERS DISCLOSED BY THE FINAL AFFIDAVIT AND AGREEMENT AND IMPROVEMENT LOCATION CERTIFICATE WILL BE ADDED AS EXCEPTIONS.

B. IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTIONS AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH, ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED.

C. UPON RECEIPT OF PROOF OF PAYMENT OF ALL PRIOR YEARS' TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: OU85007709

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. RIGHT OF PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND SUBJECT TO A RIGHT OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 03, 1893, IN BOOK 8 AT PAGE [510](#).**
- 9. EASEMENT GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., FOR TELEPHONE TELEGRAPH, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED SEPTEMBER 30, 1937, IN BOOK 132 AT PAGE [496](#).**
- 10. NON-EXCLUSIVE RIGHT OF WAY EASEMENT 50 FEET WIDE, GRANTED TO MARY A. ROWSER BY JOHN MCCHESENEY, IN DEED RECORDED MAY 18, 1979 IN BOOK 169 AT PAGE [996](#).**
- 11. ROAD AND UTILITY RIGHT-OF-WAY EASEMENT GRANTED IN QUIT CLAIM DEED RECORDED APRIL 8, 1985 IN BOOK 193 AT PAGE [875](#).**
- 12. NON-EXCLUSIVE ROAD AND UTILITY EASEMENT, WITH ACCESS TO AND USE OF SAID ROADS AND UTILITIES UPON SAID EASEMENT, AS RESERVED BY AVENTURA, A COLORADO LIMITED PARTNERSHIP AS SHOWN IN DEED RECORDED AUGUST 17, 1986 IN BOOK 208 AT PAGE [2](#), SUBJECT TO THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN.**

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: OU85007709

13. THE EFFECT OF NOTICE CONCERNING UNDERGROUND FACILITIES OF SAN MIGUEL POWER ASSOCIATION, INC. RECORDED JUNE 22, 1993 IN BOOK 227 AT PAGE [145](#).
14. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF MCCHESNEY MINOR RECORDED OCTOBER 26, 1994 AT RECEPTION NO. [157917](#)
15. TERMS, CONDITIONS, PROVISIONS AND RESTRICTIONS SET FORTH IN DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS RECORDED NOVEMBER 8, 1994 IN BOOK 230 AT PAGE [581](#).
16. TERMS, CONDITIONS PROVISIONS AND OBLIGATIONS SET FORTH IN THE OURAY COUNTY WEED MANAGEMENT RESOLUTION NO. 1997-039 RECORDED AUGUST 8, 1997 UNDER RECEPTION NO. [164857](#).
17. EASEMENT CONVEYED TO JOHN THOMAS ENDICOTT AND BERNADINE C. ENDICOTT IN QUITCLAIM DEED RECORDED JULY 25, 2005 UNDER RECEPTION NO. [188717](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

Ann Jen

MEMORANDUM

Must Have
2nd Access

TO: File

FROM: Greg Clifton, Town Manager
Joanne Fagan, Town Engineer

RE: Lot 2, McKesney Minor Subdivision

DATE: April 26, 2005

Numerous inquiries have been made regarding the property legally referred to as Lot 2, McKesney Minor Subdivision ("Property"). The Property adjoins the Vista Terrace Subdivision and is accessed by the same road. It is vacant land. This memo represents an effort to memorialize the Town's general responses to these inquiries, offering a summary of what infrastructure and land use considerations will likely be associated with development of the Property.

As a preface, it should be noted that while the Town recognizes and plans for growth within its boundaries, the Town's approach toward management of growth (of any kind - residential, commercial or industrial) remains squarely premised upon the notion that growth must pay its own way. The Town, with its limited resources and budget, adheres to this philosophy rigidly. The development of land within the Town boundaries will require all necessary utility and road infrastructure at the developer's cost, and pursuant to Town standards.

As a second note, this memo represents a mere summary of preliminary issues identified at the staff level based upon questions from the inquiring parties, and should not be considered a conclusive or binding representation of the Town at this time. Obviously, development of the Property will trigger a subdivision process that will entail public hearings before the Town Planning Commission and Town Council, and interested parties should give due regard to these processes and the various terms and conditions that may arise within these processes is well advised.

Zoning and Density

The Property is currently zoned "R" Residential Zoning District. Minimum lot size is 10,000 sq ft. in this zone. Subdivision of the Property will need to be in accordance with the Town's subdivision regulations which include a number of design requirements and standards. The subdivision could be pursued under a Planned Unit Development (PUD) depending upon the developer's desire to vary dimensional criteria or the desire to have multiple buildings on a single lot or tract. The PUD process still triggers the need to have all subdivision requirements fulfilled, however.

The regulations require that all subdivision improvements be furnished as a condition of final plat. Improvements that are required include, but are not limited to water, sewer, phone, power, natural gas and street access to all lots. The streets shall include pavement, drainage, curb and gutter, and sidewalk. There are also some landscaping requirements which will either be triggered upon a multiple building site submittal (Planned Unit Development) or upon development of single family residences (Single Family Home Standards).

Highway Access

The Property presents some issues regarding highway access. As noted on the McKesney Minor Subdivision Plat, development of the Property will trigger improved access at the intersection of Highway 550 and Vista Terrace Drive. This is also noted within the Highway Access Permit as administered by the Colorado Dept of Transportation (CDOT).

This obligation is also plat noted in the Vista Terrace Subdivision Plat. While the obligation to improve the highway intersection will be triggered by new development, it is quite possible, and equitable, that the cost of the improvements be borne by all residents of Subdivision. The best means for this to occur is the implementation of a Local Improvement District that will encompass all properties served by the access. This is what was likely envisioned when the aforementioned plat notes were drawn. It is also a likely scenario considering that the highway access improvements would benefit only those residences that use the Vista Terrace access, as the access does not connect to other developments (it is a dead-end cul de sac). The Town will likely be involved in establishing the improvement district, and may be a minimal participant in the cost sharing of the actual improvements subject to Council approval.

Bear in mind that the complete development of the intersection was deferred by the initial developers of the Vista Terrace Subdivision years ago, with an understanding that the intersection would be improved at a later date by those landowners served by the access. Again, this is why the obligatory plat notes appear on the subdivision plats.

With regard to the nature of the improvements needed at the highway intersection, Town staff met with a CDOT engineer in March, 2005 to discuss likely needed improvements. In order to bring the access into compliance with State Access Regulations, the intersection will need to include acceleration, deceleration, and center turn lanes of lengths appropriate to the highway traffic speed. The current highway speed is 60 mph and unlikely to change any time soon. CDOT expressed some willingness to consider augmenting the existing A/D lane at the nearby Mall Road and re-align and offset the highway so that most of the additional width for the improvements would be constructed on the east side of the highway. This implies that widening the road may only need to occur on one side (east side) which would reduce the overall costs of the improvements and simplify the project somewhat. Whether there is sufficient space to accomplish that will not be known until CDOT reviews a sketch plan of the proposed improvements.

With regard to access in general, there have been several discussions regarding options for a secondary access to the Vista Terrace community from the nearby and adjoining Ridgway USA development (the property currently being re-subdivided under the name of "Ridgway Village"). Even if that access can be developed, it would be a supplement rather than a replacement for the existing highway access by Vista Terrace Drive. For planning purposes, the Vista Terrace Drive access should be considered the only viable route at this time.

Pavement and Related Street Improvements

While the existing roads within the Vista Terrace Subdivision are narrow and not paved, and lacking of sidewalk and storm water drainage improvements, such improvements are now part of the Town's Subdivision regulations. Consequently, any proposal to develop the Property would trigger such improvements within the development. That portion of Vista Terrace Drive that connects the Property to the highway access may also be subject to such Improvements, but this is not a certainty. Discussion would be needed on this particular topic.

Water

The Vista Terrace development is served by Town water that is pumped to a storage facility above the development. There are two significant water issues: inadequate water storage and the pumping infrastructure that serves the development with water. The limited storage capacity means that there is insufficient storage available for domestic use for additional lots (additional to the Vista Terrace development) and that none of the Vista Terrace area has fire protection comparable to what is otherwise required by the Town. To remedy this problem will likely require construction of either a replacement or supplemental potable water storage tank in the immediate vicinity of the existing tank. It is estimated that the new tank will likely need a capacity of at least 100,000 gallons. The Town will require an additional easement to construct a tank of that size. In 2004, the estimated cost of such a tank was about \$150,000 for the tank and foundation, but excluding piping. Since that time, the cost of steel has risen considerably and local construction costs have also risen sharply. It is likely that today's cost for the tank and foundation will exceed \$200,000. The water capacity issue (and fire flow needs) represents a central concern related to the development of the Property from the staff perspective.

With regard to piping and pumping infrastructure, water is supplied to most of Vista Terrace through a two-pump system which is rapidly approaching its useful life. The two-pump system creates two pressure zones in the Vista Terrace subdivision. The Town hopes to replace the existing system with a single-pump system which would pump directly to a storage tank through a new transmission line. Flow from the tank to the residential units would be by gravity through the existing distribution lines and two new pressure regulating stations which would recreate the two pressure zones. Without having the benefit of a preliminary design, a rough cost estimate for this part of the water project was about \$250,000 in 2004, again prior to the recent jump in construction and materials costs.

The Town is currently engaged in a study to determine exactly what improvements are needed, and to better estimate the costs thereof. It is possible that the Town will be implementing the construction of such improvements within a two to three-year time frame absent any development proposals that might otherwise expedite the improvements through private capitalization. The Town has not yet discussed potential funding sources for the upgrades.

Water source from other providers (Tri County Water Conservancy District) are not a likely solution as the Property is within the Town boundaries and the Town has required that development within the Town be served by Town infrastructure, notably Town water, sewer and solid waste service. Consistent with this, the Town does not serve water outside of its corporate boundaries.

Town Water Capacity

The Town has available raw water to serve additional subdivisions within its corporate boundaries, but will need to increase its water treatment capacity in the near future. The Town is currently engaged in an in-house study to determine the scope of the needed treatment upgrades. It is possible that the Town will be implementing the construction of treatment upgrades or replacement within a two-year time frame.

Waste Water

Existing homes in the Vista Terrace Subdivision utilize individual septic systems. The Town Council would have to approve additional subdivision based upon such a treatment scenario, since connection to the Town centralized wastewater treatment is a requirement of subdivision. Extension of sewer infrastructure to the Property could likely be accomplished with existing easements and rights-of-way, but at considerable cost since the closest sewer main is in the neighboring Ridgway Village. The utility easements that do exist are narrow and not designed to facilitate sewer extension and may need to be enlarged. All sewage from the east side of the Uncompahgre River within the Town boundaries is pumped at least once to reach the waste water treatment facility. Currently, the Town is negotiating with the Ridgway Village developer and the developer of the proposed Marriott Fairfield facility to replace and relocate piping and pumping facilities so that a single station could lift the sewage as needed to reach the treatment plant. This new lift station will likely be oversized to accommodate the eventual connection to Vista Terrace and the Property. There will likely be a surcharge on sewer tap fees for each tap which utilizes the new lift station to help offset the initial capitalization by the Town.

If the Town was to approve individual septic systems within the Property, minimum lot size would need to be large enough to ensure room for residential structures, the initial septic system and a replacement system. The minimum lot size would be at least one acre, and possibly larger.