



January 29, 2025

Mr. Alan Sielaff
Assistant Town Planner
Town of Fraser
PO Box 370
Fraser, CO 80442

Re: The Ascent Condominiums

Dear Mr. Sielaff,

On behalf of Ski and Board Broker and Cornerstone Winter Park Holdings, Terracina Design is submitting a revised Major Site Plan and Final Plat for The Ascent Condominiums to address the comments received on January 8, 2025. See responses below.

Please note that the uses in Lot 1 have been modified from commercial with 2 residential units to 8 residential units. The intent is to move the Ski Broker business into the Market Street buildings and convert the commercial space to residential. The plan as submitted is now 25 residential units with no commercial.

Alan Sielaff, Assistant Town Planner

Asielaff@town.fraser.co.us

General Comments

- 1) Please provide written responses to the following Planning comments as well as other referral agency comments provided as an attachment to this letter. **Response: Provided**
- 2) As proposed, Lot 1B does not contain sufficient acreage to meet the 20 unit per acre density maximum in the Business District zone for the proposed 17 residential units. Further, the proposal includes off-site parking and snow storage. Rather than accommodate the proposed configuration with a density plat note and off-site easements, please expand the proposed size of Lot 1B to include all parking and snow storage areas. This appears to also provide sufficient area to meet the density requirement. This is the simpler solution to address all three concerns and ensure this project is on a self-sufficient site for the proposed development.
Response: This approach was discussed and agreed upon with Fraser staff prior to designing the project. The lots will remain as 3 separate parcels for purposes of ownership. Refer to response to 2a below for the density calculation.

Sec 19-4-185-c. Off-site snow storage. If the development necessitates off-site snow storage, an easement from the adjacent property owner shall be required.

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The applicant shall show evidence and plans to ensure that the off-site snow storage will not result in the degradation of streams, rivers, creeks or other watercourses, in accordance with Section 19-4-155.

Sec 19-4-240-f. The Town Staff may allow off-site parking within five hundred (500) feet of the front entry to the building to satisfy the minimum off-street parking requirements. A written agreement governing each affected property and providing for such off-site parking shall be approved by the Town Staff and recorded with the Grand County Clerk and Recorder.

- a. Additional detail on density calculation: The proposed 0.537 acre size would allow 10 units (10.74 rounded down). If expanded to include the required parking and snow storage along the southeast (an estimated additional 14,600 SF), the new lot size would be 37,992 SF or 0.87 acres, allowing the proposed 17 units (rounded down from 17.44). **Response: Per the Land Development Code, density is defined as the "ratio of the number of dwelling units per gross acres of the entire development parcel." In this instance the entire development parcel totals 9.47 acres. The area for lots 1 and 3 total 1.26 acres allowing for 25 residential units which is what is depicted on the Major Site Plan.**
- 3) Given the configuration of "Future Johns Drive" as depicted in the site plan, this new street extension should have a different name to avoid a three-way intersection with all approaches having the same name. For now, please label the street as "Victory Road" as currently depicted on the Grand County Parcel Viewer GIS map. However, a different street name is recommended so as to not cause confusion with "Old Victory Road" further south. The applicant is encouraged to suggest street names for staff's approval; alternatively, staff will assign a street name in coordination with the Planning Commission and Board of Trustees. **Response: The street name has been changed to Twilight Drive which will run from Old Victory Road to CR72 behind Murdoch's. The road from the highway will then be Johns Drive intersecting in a T with Twilight Drive.**
- 4) An address map with unit designations will be required before final approval and staff will assign address numbers to the proposed buildings. **Response: Address map provided**
- 5) In lieu of land dedications for parks and schools per Sec. 19-3-310, the following fees will be required, to be calculated based on the final lot area size and due prior to recordation of the subdivision:
 - a. Park fees: 5% of Lot 1B area in acres multiplied by a value per acre of \$141,030 **Response: The underlying parcels are a part of the Forest Meadows Solar Subdivision and as such the park areas and open space were long ago satisfied with the recordation of the Forest Meadows Solar Subdivision.**

- b. School fees: 0.0138 acres per multifamily dwelling unit (17) multiplied by \$141,030. **Response: Noted**
- 6) Staff must receive a resubmittal of this application by Wednesday, January 29th, 2025 in order to maintain the timeline of scheduling a public hearing before the Planning Commission on February 26th. **Response: Noted**

Final Plat

Application Requirements – See Appendix 1, Major Subdivision Final Plat Checklist

- 7) Attached is a Word template for the required Development Improvement Agreement (DIA) based on Appendix 3 of the Town Code. Please review and provide any requested revisions with the next submittal. Per Sec. 19-3-415, the Town will require that the DIA for The Ascent cover the private drainage and private landscaping improvements proposed in the site plan, in addition to any public infrastructure needed to support the development. A completed and recorded DIA will be required concurrently with recordation of the Final Plat. **Response: We plan to work with Town Staff to finalize a DIA upon project approval.**
- 8) Please provide names and addresses of any owners and lessees of mineral rights associated with this property. If none exist, please provide a signed statement affirming that a records search was conducted and no mineral rights holders exist for the property. **Response: Letter provided.**

General Comments

- 9) Staff requests to avoid designating Lots as 1A and 1B and instead designating the new lot for the new building simply Lot 3. This way, the existing property with the XSports building remains as Lot 1, and the existing undeveloped Meyer Lot 2 remains as Lot 2. **Response: Revised**
- 10) Please ensure that everything depicted on sheet 2 of the existing subdivision plat (Replat of Lot 2, Meyers Subdivision etc... reception number 2021013571) is also shown on all sheets of the proposed subdivision plat since this will become the new plat for the entirety of the existing Lots 1 and 2. Specifically, the 45' Transit License easement should be carried forward on all sheets and the 100 year flood plain on Lot 2 should be depicted. **Response: We have included these items relative to the underlying prior approvals including Forest Meadows Solar subdivision. It is NOT an EASEMENT, rather it is a terminable license agreement and as such has no specific location. The road currently used was constructed by CWP to accommodate the transportation system requested by Fraser with the knowledge it would be relocated and can be terminated by either party to the license agreement.**
- 11) A right-of-way dedication plat for the "Victory Road" extension will be required no later than when the Town grants preliminary acceptance to the road and associated infrastructure. The Transit License easement would be anticipated to be

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removed at this time. **Response: The Transit License is not an easement as noted above. Public access will be provided by either right of way or easement to be determined once the road is constructed.**

- 12) Remove the page type from main title block at top of each sheet (cover page, existing conditions, proposed conditions, parking and access easement details). These sheet type names should be included in the information block at the bottom right of each sheet. **Response: Revised**
- 13) All linework should be represented in a legend on each sheet. **Response: Added**
- 14) Remove proposed building outlines from all sheets. **Response: The building outlines will remain on lots 1 & 3 as those are a condominium plat. This format is consistent with all of the previously approved multifamily plats in Fraser.**
- 15) Include 2 1/4" x 3" blank box at bottom right of each page for use by County Recorder. **Response: Added**

Sheet 1

- 16) Ensure language in dedication and notary clause is consistent with required language in Appendix D. See attached staff mark-up. **Response: Revised**
- 17) Include recordation number of previous subdivision(s) referenced in dedication and notary clause. **Response: Added**
- 18) Clarify ownership entities per legal review comment # 5 and ensure consistency with the dedication and notary clause section. **Response: Added**
- 19) Remove duplicate "dedication and notary clause continued" header. **Response: Removed**
- 20) Blanks left in the General Notes section should be filled in with the development or project name or can be replaced with generic language referencing the eventual HOA/condo association that will assume responsibility. **Response: Added generic language based on the title of the plat**

Major Site Plan

Sheet 1 - Cover

- 21) Please remove the approval blocks and owner certificates from the cover sheet. Major site plans are not recorded so mylars will not be provided. Instead, we suggest adding an image /rendering of the project to the cover page and placing a basic site data table and possibly relocating other project summary data tables to this sheet. **Response: Removed**

22) Remove blank box at bottom right of each page since site plan set is not recorded.
Response: Removed

Sheet 2 – Site Plan

23) Per Sec. 14-3-80 sidewalks shall be a minimum of 8 ft. and required on both sides of the street in the Business Zone District. Please increase the width of the sidewalk along "Victory Rd" to be a continuous 8 feet wide. **Response: A 5' foot sidewalk for this road was approved with Final Construction Plans for the Condos at Elk Creek – 4W.1 which was approved by the Board of Trustees. On street parking is included in this modified road section therefore reducing the width of the sidewalk. The 5 foot sidewalk will remain in this location.**

24) Provide a trash enclosure detail showing conformance with Sec. 19-4-160(b), i.e., label the enclosure color and materials to ensure they are consistent with those of the main building. **Response: Similar to the adjacent Murdoch's center and other areas in the Town of Fraser, no dumpster enclosure will be installed; rather, a location is provided for dumpsters which is a significant improvement over the adjacent Murdoch's center which has dumpsters and storage containers in the Town's public ROW.**

25) Include a summary of unit types by bedroom count or note that all units will be two-bedroom units. **Response: Note added and all units to be 2 bedroom**

26) Note or provide in the data table the number of bedrooms in the existing two units in the XSports building since there will be shared parking between the lots.
Response: All units to be 2 bedroom units

27) Staff calculates the total required parking for Lots 1A and 1B at 48 since a cross access and parking easement is proposed. Technically the required parking for Lot 1A is 22.5 spaces (assuming both residential units are 2 bedroom) and Lot 1B is 25.5 spaces. **Response: Land uses revised and 38 parking spots required now and provided**

28) Please add a note that the two parallel spaces proposed along "Victory Rd" within the proposed ROW are included in the provided parking count. **Response: Added**

29) Data table lists Lot 1A and 2B. Should be 1A and 1B unless the lots are renumbered to Lot 1 and Lot 3 as requested by staff. **Response: Revised**

30) Please remove floor plan linework from building footprints for clarity. **Response: Revised**

31) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. The site plan must display compliance with applicable requirements of this code before building permits are issued. Please designate on the parking plan at least a minimum number of EV spaces per the

requirements below. Definitions for each category of EV capability are found in Chapter 2 of the referenced code. Multifamily residential is found on page 25 and must include the following:

- a. 5 percent of the spaces must have level 2 EV chargers.
- b. 15 percent of the spaces must be EV ready.
- c. 10 percent of the spaces must be EV capable.
- d. 30 percent of the spaces must be EV capable light.

The Town will require that only the parking provided for the proposed 17 multifamily units (not the existing XSports building) meet these requirements. Alternatively, the applicant may submit a substantial cost differential waiver request showing that the cost of complying with this code exceeds 1 percent of the total mechanical, electrical, and plumbing costs for the project. **Response: Conduit will be added up to 1% of the total mechanical, electrical and plumbing costs. The exact location will be determined with the electrical design of the buildings.**

Sheet 3 – Landscape Plan

32) We estimate the provided on-site open space coverage is approximately 1,500 SF less than the total of 19,574 SF listed on the open space table. If the parking islands to the southeast of the proposed buildings that are currently off-site are included in the total open space as currently tabulated, this accounts for roughly 400 SF. If the subdivision plat is reconfigured to include all of the required parking and snow storage areas on-site, this will likely satisfy the 35% open space requirement.

Response: Open Space sheet provided. 35% is being provided.

33) Sec. 14-5-40(9) requires parking lot perimeter landscaping. Given the close proximity to the US 40 shared use path and constraints created by the overhead electric lines, staff is supportive of only shrubs being provided as perimeter landscaping and may be placed in the US 40 right-of-way between the parking spaces and the trail. While the requirement is for one tree and two shrubs for every 20 feet of frontage, please accommodate four shrubs and no trees for every 20 feet. **Response: Due to the proximity to the trail and the drainage that passes through the swale, shrubs will not survive in this location. In addition, we do not have the authority to plant in the CDOT right of way. This plan is simply repaving the existing parking lot and adding curb along with highway which is an improvement to what is existing today.**

34) Sec. 14-5-40(10) requires parking lot interior landscaping islands for parking lots with twenty (20) or more parking spaces at a ratio of one hundred (100) square feet and one (1) tree and two (2) shrubs for every ten (10) parking spaces. Please provide additional interior landscaped islands within the parking area on the northeast side of the site, similar to the two that are proposed at either end of the southeast row of parking. **Response: Landscape islands provided. Shrubs added in lieu of trees due to the existing easement and overhead power lines.**

35) Provide the following as required in Sec. 14-5-40 - landscaping specifications:

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- a. Provide an irrigation plan, if irrigation is to be provided. **Response: irrigation is not planned at this time. Native plants and grasses are proposed.**
- b. Include a statement providing that the owner and his or her heirs, successors and assigns will provide adequate maintenance for all site elements. Landscaping maintenance shall include irrigation, fertilization, pruning and noxious weed control. **Response: Provided.**
- c. Include contact information on who prepared the landscape design. A landscape plan drawn by a landscape architect or designer is preferred but is not required. **Response: Added to cover**

36) Please provide a cost estimate of the proposed landscaping subject to the following requirement from Sec. 14-5-40(11). This amount will need to be included in the collateral collected as part of the DIA:

- a. The applicant shall also submit suitable collateral to ensure the completion of the landscaping requirement. The collateral shall be no less than one hundred twenty-five percent (125%) of the estimated cost of the plant materials. The collateral shall be in a form of a letter of credit, cash deposit or other such legal assurance as may be deemed appropriate by the Town and approved by the Town Attorney. This amount shall be retained by the Town until the plant materials have been maintained in a satisfactory condition for two (2) years after installation. **Response: Cost estimate provided.**

Sheet 8-11 – Elevations

37) Elevations were reviewed against the standards in Sec. 19-4-190 Building design; commercial and mixed-use development. Staff finds the proposed buildings to be largely in conformance with the design guidelines. We suggest reviewing the following language regarding building materials and encourage the addition of natural wood elements and incorporating additional first level stone or masonry into the elevations to better meet the following code language.

- a. "The use of natural stone masonry, exposed wood structural beams, logs, heavy timbers, stucco and masonry are all acceptable materials. The use of stone or masonry as a foundation up to a height of at least thirty-six (36) inches is encouraged." **Response: These buildings incorporate wood, stone and steel in a fashion that is complimentary to the existing building. No changes will be made to the building designs which are superior to any other building existing in this part of Fraser today.**

38) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. Multifamily residential is subject to the

commercial requirements on pages 19-21 of the referenced code and must include a solar ready zone on the roof area that meets the following:

- a. Is at least 40 percent of the total roof area, minus the area for skylights, decks, etc. **Response: The roofs as designed have adequate room for solar panel installation should owners choose that direction. Note, the added costs of provisioning these sorts of items with little return in the Fraser environment is contrary to developing cost effective housing, in prior studies by Grand Park it was found the efficiency and return on investment net of any tax credits did not make financial sense; moreover, MPEI has limitations on the size of solar systems allowed on individual properties that also comes into consideration.**
- b. Is free of obstructions and shading. **Response: See note a. above.**
- c. Has at least one potential pathway for conduit between the solar ready zone and the electrical panel, as well as reserved electrical service panel space and capacity for future solar panels. **Response: See note a. above.**

Sheet 12 – Lighting Plan

39) Sec. 14-5-30 and Sec. 19-4-195 include site lighting requirements and guidance for sites in the Business District zone. Lighting is to be appropriate for public safety and security, while minimizing undesirable effects of excessive illumination such as glare, sky glow and light pollution.

- a. The lighting plan provided only depicts existing pedestrian and parking lot lighting on the east side of the site. Please update the plan to include detail sufficiently addressing items 1 through 8 in Sec. 14-5-30. **Response: The lighting will be by downlit dark sky compliance lighting in the soffits and ceilings of the buildings. Parking lot lighting will be down lit dark sky compliant lighting since the property will be all residential.**
- b. You may incorporate the photometric plan as required in item (8) into this sheet. **Response: The photometric plan will be produced when the plan is approved and final architectural plans are developed for the property. This can be reviewed with building permit application.**
- c. Additional parking lot lighting is suggested for the southwest and southeast parking areas to provide minimal levels for pedestrian safety. **Response: Good suggestion – see note b above. Final lighting, fixture type, and photometric plan will be provided with building permit submission.**
- d. Please be sure to include any exterior lighting that is to be provided on the building exteriors into this sheet. **Response: See note a., b. and c. above. All building lighting will be down light cans installed in the soffits, and ceilings.**

Administrative Variance

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Sec. 19-1-350 - Administrative variances. The Town Staff shall have authority to act upon variance requests (but not appeals from administrative decisions) under the following circumstances:

- a) The variance does not exceed ten percent (10%) of the minimum or maximum standard; and
- b) The Town Staff applies the same review criteria as does the Board of Adjustment under Section 19-1-330;
- c) No additional dwelling units would result from approval of such administrative variance; and
- d) A decision by the Town Staff to deny, or condition, an administrative variance, may be appealed to the Board of Adjustment in the same manner as for appeals under Section 19-1-320

A variance request for a maximum building height of 49.5 feet has been received with this application. This request does meet the circumstances to be acted upon administratively by Town staff, in lieu of the Board of Adjustment, subject to the review criteria detailed below:

Variance Criteria Review – Sec. 19-1-330: A variance may be granted only to the extent that the following conditions, where relevant to the subject property and adjacent neighborhood or district, are present:

40) There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.

- a. Staff review: Disagree – Staff does not consider high groundwater a unique physical circumstance. It may be considered as an "other condition peculiar to the property"; however, it is a condition that generally exists across all properties in the Fraser River valley to a degree. Further, the variance request reasoning discusses the necessity of additional units to achieve financial viability for the project and infeasibility to construct garden level units on the ground floor which would result in a lower building height. Unfortunately, financial viability is not a consideration in granting a variance, and the ability or inability to pursue subsurface development is not something guaranteed by the Town's zoning regulations. **Response: High groundwater is a limiting factor and must be considered in all design associated with this property; moreover, the blanket statement made by staff "it is a condition that generally exists across all properties in the Fraser Valley..." is blatantly false. See prior geotechnical reports for various projects in and around the Grand Park and Rendezvous projects. Certainly, without this condition a garden level is possible, but not with the condition. Additionally, given the staffs' broad interpretation of the code for the hotel at the entry to Rendezvous approved last week that well exceeds 55' in a 45' height zone, where the staff used six corners to bring the height down, and referenced parapets as**

appurtenances, we find it laughable a real professionally documented physical impediment, high ground water, is deemed to not be an “other condition peculiar to the property”. The design of the project is better with this slight roof height variance and the notion staff would suggest eliminating two units as a solution to reduce the building height in a market where housing inventory is short is hard to understand.

41) The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.

a. Staff review: Disagree – The applicant also acknowledges that the high groundwater level is not unique to this site. The applicant's additional discussion of other locations in general vicinity of this site that have greater maximum allowed heights is not applicable to this criteria. **Response: See response to 40 a. above.**

42) The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.

a. Staff review: Agree – The applicant's identification of high groundwater as the unique physical circumstance has not been created by the applicant. **Response: Noted**

43) Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.

a. Staff review: Disagree – Being unable to achieve the maximum allowed density of 20 units per acre on the site does not equate to the variance criteria of "cannot be reasonably developed". The site could be developed with 15 units within three floors rather than an additional two units on a proposed fourth floor. Further, other building floorplate designs, reduced floor to ceiling heights, or smaller unit sizes could be considered to achieve additional units within the site's constraints. **Response: We had understood housing and density was a priority for the Town of Fraser given the lack of housing inventory. Suggesting reducing the allowed density is not a good solution nor does it help Fraser's housing inventory problem. Further, good architecture is paramount to product sales, livability and quality of life for the residents. Eight foot ceilings are no longer accepted by the market place.**

44) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.

a. Staff review: Agree – The building design is generally compatible with the surrounding context, and the design elements the additional height would facilitate (a slightly sloped 4th floor roof rather than a flat roof) is generally preferable. The relatively minor height increase will not alter the essential

character of the area or impair the use of adjacent property. While the applicant states this proposal is consistent with higher allowed heights within the Grand Park and Rendezvous Planned Developments, staff notes that the specific areas within these PD's that allow such heights are not adjacent to this site and this would therefore represent a slight departure from a 45 ft. maximum height in the immediate vicinity of the site. However, staff does recognize that building heights over 45 ft. are allowed elsewhere along the US 40 corridor in Fraser. **Response: Noted**

45) The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.

a. Staff review: Agree – The requested 4.5 ft. increase in height appears to be the minimal ask in order to accommodate a reasonable fourth floor design and incorporate high quality design elements. There are no immediate neighbors that might be impacted by the height increase except the two residential units and existing business in the existing XSports building which is under common ownership. As a building fronting US 40, there may be concerns regarding impacts to views towards the west from users of the Lions Ponds area or users of the US 40 shared use path; however, the request for a 49.5 ft. building height is not likely to have a major impact to existing viewsheds compared to a 45 ft. building height. **Response: Noted**

46) The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

a. Not applicable. **Response: Noted**

Per Sec. 19-1-350, administrative variances must be processed under the same review criteria as the Board of Adjustment would apply for a standard variance. Because not all applicable criteria are met, the administrative variance is denied. This decision may be appealed to the Board of Adjustment per Sec. 19-1-350(4). **Response: applicant is appealing to the Board of Adjustment.**

Town staff wishes to note that while we conceptually support the proposal on the merits of building design and recognize the site as an appropriate location for additional residential density, the variance criteria as currently adopted in the code unfortunately do not offer the type of wider policy discretion to approve this request. Ultimately, staff would need other tools in the code such as an “administrative adjustment” process that is separate from variances, allows greater discretion/flexibility in granting administrative variances, and/or some type of zoning overlay that connects inclusionary or affordable housing requirements to an increase in building height. Staff has previously discussed potential code amendments with the Planning Commission and Board of Trustees and may broach the topic again in the future as part of the Comprehensive Plan process in 2025, but at this time does not have the administrative authority to grant this request.

- 1) The surveyor should indicate on the plat that all recorded exceptions listed in the title commitment have been examined, that those exceptions that are plottable have been depicted, that those that are not plottable but affect the subject property are called out as such, and that those that do not affect the subject property are indicated as such. Specific items to assess from the title commitment are listed below:
 - a. #11 – This is an agreement placing certain restrictions and requirements for land usage. The requirements should be reviewed closely in light of the proposed development, with particular focus on the amount of taps to be added to the property and the means of providing a list of property owners as noted on page 8 of the document. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - b. #13, 14, 18, 19, 20, 21 – Confirm that all terms and conditions of the October 27, 2004, Amended and Restated Subdivision Improvements Agreement have been satisfied for new development. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - c. #15 – Confirm restrictions set forth in the Final Plat (Rec. No. 218772) are satisfied, with particular regard to the open space and set-back requirements. **Response: Open Space and setbacks requirements for this property are dictated by Town Code.**
 - d. #16 – The easement and R.O.W. recorded in Book 360 at Pg. 391 is not depicted or acknowledged on the Ascent Plat. Although the location of the easement is not defined, it should still be reflected by the surveyor either by affirmatively noting it does not impact the property, or that it cannot be shown. **Response: Note added**
 - e. #22 – Ensure that the conditions for termination of the easement have occurred. **Response: To be addressed by developer**
 - f. #24 – Confirm requirements listed under Section 3 (Future Subdivision Improvements and Requirements) are satisfied. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - g. #28 – The Construction Guarantee Agreement should be reviewed to ensure compliance, with focus on the deadline set out in Sec. 3(a) for a two (2) year time frame for public and private improvements. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**

- 2) The dedication on the plat should indicate the new legal description that is being created by this plat. **Response: The dedication states that the real property has been laid out and surveyed as The Ascent.**
- 3) The legal description under the title of the plat should reference that this plat is a replat of a portion of the current legal description of the subject property. **Response: Revised**
- 4) The final plat references that several easements are to be vacated by the plat. Confirm that there are no existing utilities within these easements and that the proposed procedure (e.g., through recordation of the proposed plat) to vacate these easements are in compliance with Town Code Sec. 19-3-245 and CRS 43-2-302 and 303, including consent of all lot owners, Board of Trustee approval, and all documentation necessary as shown on the "Vacation of Plat, Right-of Way or Easement Checklist" from Appendix 1 of the Fraser Municipal Code.
 - a. Confirm that the easement at Rec. No. 218772 is dedicated to the Town and may be vacated, given that it is an easement for sewer/water. **Response: The Town staff has acknowledged the easement can be vacated upon completion of the improvement approved as a part of the 4W.1 subdivision at Grand Park.**
- 5) The title commitment indicates that ownership of the subject property is vested only in Ski and Board Broker LLC, whereas the plat dedication indicates that Cornerstone Winter Park Holdings LLC is also an owner. This discrepancy should be resolved one way or the other by correction of the title commitment or correction of the plat dedication, whichever is applicable. In addition, due to this discrepancy, the applicant should confirm with the title company that the title commitment, in fact, covers all of the property subject to this application. **Response: Ski & Board Broker, LLC own the lot where the X Sports building is located today, now referenced as lot 1 and 3 on the plat. Cornerstone Winter Park Holdings, LLC owns Lot 2 formerly Meyer Lot 2, a portion of the Forest Meadows Solar subdivision.**
- 6) Note 7 on the plat is unclear. If an easement is being dedicated by this note, dedication language should be used therein to effectuate the grant. **Response: Clarification added.**
- 7) The Ascent Condominium Declarations appear to have several points worth noting:
 - a. Exhibit A includes a misleading legal description, listing "All of Lot 2, Lot 1 and 2, Ascent Condominiums subdivision plat recorded July 3, 2019, at Reception No. 2019004896 of the Grand County records." The listed Rec. No. is for Final Plat, Lot 1 and Lot 2, Elk Creek Condos at Grand Park. **Response: Legal updated. The declarations only apply to Lots 1 and 3 of the subdivision.**
 - b. Exhibit C accounts for twelve (12) residential units where the site plan suggests seventeen (17) new units with two (2) existing units over Ski Broker.

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These should reflect the same number of units. **Response: The revised plan responsive to Town comments includes 25 residential units.**

- c. Page 5 of the Declarations defines Additional Property with reference to Rec. Nos. 2019004896 and 2019004895. This definition should be confirmed for relevance. **Response: the definition has been updated.**
- d. Page 5 also defines "Declarant" as Ascent Multifamily, LLC, but the title commitment lists the owner as Ski and Board Broker, LLC. The discrepancy on ownership should be resolved. **Response: The Ascent Multifamily LLC will be the declarant prior to recording of these documents.**
- e. It is unclear whether the commercial units in the Lot will be subject to the condominium structure or are subject to the Declarations regarding interest in common elements or requirements to pay assessments. This should be clarified. **Response: Commercial is no longer proposed. The condominium units on lots 1 and 3 are subject to the Declarations.**
- f. Common and limited common elements of the Development should be labeled, where practicable, on the plat. **Response: This will be addressed on the condominium map.**

8) The Plat and Site Plan depict that parking, access and utility easements will be on Lot 2 rather than Lot 1. A proposed easement for these features from the Owner of Lot 2 should be provided. **Response: A parking, access, and drainage easement is provided on lots 1 and 3 and an off-site parking, access, utility, and drainage easement is shown on to lot 2.**

- a. Additionally, the Town Code permits for certain standards of modification to parking space requirements under 19-4-240. If any of these modifications are the reason for the placement of the parking lot outside of Lot 1B, the Applicant should note such. **Response: Notes added to site plan sheet.**

9) Applicant has submitted a variance request to increase the height of the development by four and a half (4.5) feet. The request for the variance does not appear to satisfy the criteria required under Fraser Muni. Code 19-1-330(a). Specifically, the cited high groundwater table is not a "unique physical circumstance" as required under the first Criteria. Applicant notes this under the response to Criterion 2, but then cites the building height restriction of this area as a separate reason for this to be considered as a unique circumstance. The fact that other properties along the same highway have different maximum height levels is not the type of quality contemplated by the variance provisions of the Code. **Response: High groundwater table such as that identified in the geotechnical report is a "unique physical circumstance". We disagree with this comments.**

10) Applicant responds to Criterion 4 noting that it is not possible to achieve the allowed density for this site without the variance. However, above in the Background section, Applicant notes that the variance would "reduce[] the size of the building footprint while maintaining the allowed residential density," appearing to indicate that the permitted density could be achieved with a larger building footprint. Furthermore, being unable to achieve the maximum permitted density likely does not suffice as an inability to reasonably develop in "conformity with the provisions of this Chapter.".

Response: Developing a quality project that meets current market demands for functional architectural design, aesthetics, and quality of life of the owners is imperative to the developer, while also helping to address the Town's shortage of housing inventory.

Jeanne M. Boyle/Katherine E. Knight, Merrick & Company

Section 1 – Drainage Review

Phase II Drainage Report

- 1) On-site stormwater detention is required, including for expansions and redevelopment (Section 3.3.6). Provide for on-site detention. **Response: When comparing existing and proposed conditions, we are reducing the overall imperviousness of the site by removing asphalt areas and replacing them with landscape. This is reducing the stormwater runoff from existing conditions.**
- 2) BMPs to address stormwater quality are required (Section 3.3.7). Address the water quality requirement in the site design. **Response: A portion of the site is being directed to the temporary sediment pond. The temporary sediment pond will be converted into a stormwater pond in the future and will provide stormwater quality for a portion of the developed site.**
- 3) Inlet capacity is only one component of storm sewer system design, provide calculations demonstrating no increase in flows to the existing inlet and calculations showing adequate ditch and pipe capacity through both existing/proposed storm sewer systems. If needed, provide additional stormwater detention to reduce peak flows to the existing storm sewer system capacity or modify the existing system to provide adequate capacity. Besides the capacity, also confirm the direction of flow and condition of the storm sewer system along the north/south portion of Johns Drive. Per the Town of Fraser's Stormwater Dashboard, the existing culverts and ditches drain to the south, not to the north, and may not be operating properly. **Response: When comparing existing and proposed conditions, we are reducing the overall imperviousness of the site by removing asphalt areas and replacing them with landscape. This is reducing the stormwater runoff from existing conditions. Per the existing conditions surveyed and the inverts now shown on the drainage map, flows are flowing north through the existing culvert system and eventually into the existing system to the northwest. The storm system for 4W.1 was designed using the 24 hour storm event and was oversized for future developments to utilize the system.**

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Per the 4W.1 report, the downstream system has a capacity of 8.85 cfs and only a total of 6.21 cfs.

- 4) Provide calculations showing sufficient Johns Drive gutter and ditch capacity for outfall at Design Point 2. **Response: 100-year storm runoff to Design Point N1 for existing is 2.91 cfs. 100-year storm runoff to Design Point N1 for proposed is 2.19 cfs. We are reducing the runoff to the existing Johns Drive gutter and ditch. No capacity calculations have been provided.**
- 5) Review proposed time of concentrations (Tcs) – drainage areas of less than 0.1 acres would not be expected to have Tcs that are longer than the minimum 5 minutes. **Response: The Tc for N4 has been updated.**
- 6) On the proposed drainage map, the portion of Basin D1 located north of Johns Drive and Basin D1.1 are shown tributary to the existing Johns Drive storm sewer system and temporary sediment basin. Per the Condos at Elk Creek PA 4W.1 drainage plan included in the PhII drainage report, the Johns Drive storm sewer system, swale, and temporary sediment basin were not designed to have capacity for this additional tributary area. Modify the drainage plan to route runoff from these areas to follow the existing flow path or upsize the downstream drainage system to account for the additional runoff. In addition, the temporary sediment basin will need to be modified to be a permanent stormwater detention pond with water quality treatment. **Response: Per the 4W.1 drainage report, the type-c inlets located in Johns Drive and the road section for Johns Drive has enough capacity for the additional flows. Once the southern parcel is under design, we will know more about the configuration of the southern pond and will convert it into a permanent stormwater pond.**
- 7) On the proposed drainage map, the area located southeast of the site and south of the existing US 40 paved trail appears to flow to the project site since the trail is higher than the adjacent ground. Include analysis of this area in the Phase II drainage report and plan as offsite tributary area to the project site and to the existing storm sewer system. **Response: Per the existing conditions surveyed, flow from the existing trail flows north towards US 40 then continues northwest through the existing culvert located under the existing Johns Drive. The existing offsite drainage remains as offsite drainage. No changes have been made.**
- 8) On the proposed drainage map, label the existing storm sewer system elements (inlets and pipes). **Response: Existing storm sewer elements have been labeled.**

Construction Plans

- 9) On Sheet 6, show site boundary/proposed lot lines. **Response: Site boundary is now shown on all sheets.**

- 10) On Sheets 8 and 9, check the separation between storm and sanitary sewer service lines, show sanitary sewer crossing location on storm sewer profiles. **Response:** **Crossings are now shown.**
- 11) On Sheet 10, verify minimum cover of 18" on storm pipes particularly under paved sections. **Response:** **Due to the existing site constraints, we can only maintain 1' of cover in some areas. In this area we are recommending the use of C900 or similar strength of pipe so there are no loading concerns. We have made our client aware of the shallow pipes and the possible impact this could have on the private storm system.**

Major Site Plan

- 12) On Sheet 3, there is a second driveway culvert shown. If there is a second culvert proposed, show on other sheets and provide sizing calculations. **Response:** **Culvert shown. Refer to CD's for sizing and calcs.**

Final Plat

- 13) Ensure drainage easements include all storm sewer that will be publicly maintained and any detention pond/BMP as required in section 3.3.9. The easements shown do not appear to have been revised to include proposed drainage infrastructure. **Response:** **A perpetual non-exclusive blanket easement is granted to the whole site.**
- 14) Identify and label the area/easement located adjacent to the east side of the site since a portion of the proposed improvements is located within this area. **Response:** **Easement labeled**

Greg Steed, Merrick & Company

Section 2 – Utility Review

- 1) It is recognized that the utilities in Johns Drive have been approved but not yet constructed. It is also recognized that the currently existing sewer and water main are located within the proposed building footprint and have been approved to be removed but are currently still in place and operational.
 - a. Provide the proposed general phasing plan or intended timeframe for existing utilities removal and new utility construction as it relates to the Ski Broker building construction. **Response:** **The existing utilities will be flow filled prior to the Ascent project being developed and will be completed with the construction of Twilight Road (the new Johns Drive).**
 - b. The previously approved utility plan with sewer stub to the proposed Ski Broker building is shown on the current submittal as to remain but not be connected. If this sewer stub out will have no service connection, it should

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not be constructed. **Response: All utility stubs have been updated to match the needs of this project. These changes will be reflected in the 4W.1 plans and resubmitted to the Town.**

- c. The previously approved fire hydrant should include an isolation line valve at the tee and hydrant isolation valve in the street at the tee. (refer to Town of Fraser Code chapter 14, Attachment A-16). **Response: All utilities and valves have been updated to match the needs of this project. These changes will be reflected in the 4W.1 plans and resubmitted to the Town.**
- 2) Show the water service curb stop (6" isolation valve) on the plan set. The Town preference for larger services is to locate the service isolation valve in the street at the Tee fitting (refer to 14-4-220 (b.8) and 14-3-260 (b.9)).\ul style="list-style-type: none;">- a. Where service lines split to provide separate domestic and fire supply to the building, they shall be valved independently at the property line. (14-4-220 (e.4)). **Response: A valve for the proposed shared domestic and fire service has been added.**

- 3) Sanitary and Water Construction Notes should include requirements for tracer wire in all new buried utility construction. (refer to 14-4-220 (b.7) and 14-4-320 (b.6)).
Response: Notes have been added to the plans.

Brian Killian, CDOT

Brian.killian@state.co.us

- 1) Since this development is unlikely to increase traffic by 20% or more at the highway intersection, a CDOT access permit is not required. **Response: Noted**
- 2) If there are any utility impacts or impacts to CDOT ROW, a CDOT special use or utility permit is required. **Response: Noted**
- 3) Disclaimer: CDOT's review is cursory only. Due to the amount of referrals CDOT receives daily, CDOT will not do a thorough review of the traffic studies or any other referral documents until they are formally submitted directly to CDOT. If CDOT doesn't respond to a referral, it does not constitute approval of the referred development. **Response: Noted**

Ryan A Mowrey, Assistant Fire Marshal

- 1) The multiple access points off of the new and existing Johns drive appear to be adequate for the existing Ski Broker building and the new Ascent building. It may be a little confusing as there are 3 roads that converge at this location all with the name "Johns Drive". Possibly consider renaming one of them to eliminate confusion for guests and emergency responders. **Response: Road name revised**

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- 2) The 26ft wide driving isles around the building are satisfactory as well as turn radius for apparatus movements. **Response: Noted**
- 3) The additional fire hydrant location is good in regard to access from the road and in proximity to the water/riser room (assuming the FDC will be located in that area as well). There is an existing fire hydrant to the northeast corner of the parking lot that we would like to remain accessible and utilize to meet fire flow for this new building. **Response: Noted**
- 4) East Grand Fire has no issues with the variance request for additional height. Please note that additional fire service features (including but not limited to standpipes) are required for structures 4 or more stories in height. **Response: Noted**
- 5) This Structure will be required to be protected by an automatic sprinkler system and alarm system, coverage for this system will include the outside egress corridor / stairs. Please also keep in mind that if the 2 buildings will share the same sprinkler system/riser, special consideration will be needed for getting the sprinkler line from one building to the other (conditioned chase between buildings or special underground piping with additional inspections) to ensure that freezing of the system can not occur. **Response: Noted**
- 6) The Fire Riser room appears to be in an acceptable location with exterior access. The Fire Alarm Panel and the Fire Department Connection (FDC) placement should be confirmed with the developer and fire district prior to commencement of construction. **Response: Noted**
- 7) Special attention and consideration for landscaping, building materials, and defensible space should be taken to provide for more wildfire resistant buildings and communities. **Response: Noted**

Nick Curran, MPEI

- 1) Please be aware of the following requirements within MPEI's Electric Service Construction Standards (ESCS).
 - a. MPEI requires 20 foot wide easements (10' on each side of centerline) for primary power lines, as installed. (Part of the easement can be in the road if provided for in the plat). No structure (including decks, footers and building overhangs) is allowed closer than 10' from any primary voltage power lines or within ten feet (10') around any equipment. Water and sanitation districts require a minimum of ten feet (10') separation to parallel power lines. MPEI requires five foot (5') separation to parallel gas lines (main or services) and one foot (1') separation to communications.
 - b. For secondary lines, MPEI requires 10 foot wide easements (5' on each side) and must be 5 feet from any parallel utility line or a building.
 - c. Meters must be located under a permanent structural element that protects the meters from falling snow and ice and extends a minimum of 2 feet past

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the side of the meter. Meters must be a minimum of 2 feet from windows, doors and vents and a minimum of 3 feet from a gas regulator. There cannot be any vents above a meter.

- d. No grade changes (fill or cut) in excess of six inches (6") are permitted in the utility easement without prior written authorization from mountain parks electric, inc.
- e. No trees or boulders may be planted or placed within five feet (5') of any power line or electric equipment. All equipment will have a minimum of ten feet (10') of clearance in front of any openings or equipment doors.

Response: Noted

- 2) MPEI has existing Fiber along Victory Rd. Please document all existing roads, utilities, and easements in all lots including lot 2. **Response: Not correct – there is no fiber installed in Victory Road, it stops at the Elk Creek Condos as an easement and alignment was never finalized with MPEI. Victory Road is void of any utilities in its current temporary location constructed by Cornerstone to assist the Town's transportation system.**
- 3) Oxbow Court and existing electric infrastructure in the South West corner of lot 2 are not shown on the plat. Please show all existing roads, utilities, and easements in all lots IT APP including lot 2. **Response: Added**
- 4) Developer must supply a color coded utility plan including sewer, water, electric, gas and storm sewer. **Response: Colored plan provided**
- 5) Please add proposed meter location on the building(s) in each elevation. **Response: Meter locations added.**
- 6) Any utility drawings developed during the Preliminary Plat process will be helpful and used for guidance. MPEI will provide the final electric design. **Response: Colored utility plan provided**
- 7) The developer will be responsible for surveying all primary power lines, equipment locations and service lines in the field. Any problems that need to be resolved during the building phase will be at the developer's cost. **Response: Noted**

Julie Gittens, Xcel Energy

- 1) There is a gas main that can be tapped into off of Johns Dr to serve the two new buildings that is not noted on the utility plan. **Response: Shown on colored utility plan**
- 2) A colored utility plan showing all existing gas main and proposed gas service lines to the new buildings needs to be provided. **Response: Colored plan provided**
- 3) The elevation plans did not show the proposed meter locations. In order to accommodate a meter bank that would provide individual meters for each unit, a significant amount of wall space will need to be provided that follows the

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requirements below. If that can't be done a master meter would need to be installed and the HOA would need to sub-meter each unit. **Response: This will be finalized with the design team upon approval of the plan by the Town.**

- 4) The plat does not reflect all existing roads. Please update. **Response: All provided information is shown**
- 5) Meters must be placed under an engineered gable on a non-drip edge on the front third of the structure in an easily seen and accessible location per Xcel standards Section 4.3, under number 3, page 33. "Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Grand, Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties." Xcel Energy Standard for Electric Installation and Use (Blue Book).
 - a. No vents or anything electric can be above or beside the meter/ meter bank: min clearance of 3' (electric) and 6' (vents).
 - b. Meters must be a minimum of 3' from any opening.
 - c. Gas Risers cannot be encased in concrete or asphalt. They must be sleeved.
 - d. Meters must be in a protected area from vehicle damage and snow. Bollards may be required.
 - e. Meters must be a minimum of 4' from and drip or adjacent drip and could be more for three or four stories. **Response: Noted**
- 6) Per Xcel standards – A building is only allowed one point of service unless the lot has been formally subdivided and each unit will have no intermingling of pipe between units or proposed units, each unit must have an entrance and an egress, and the Authority of Jurisdiction must approve the installation. See section 4.1 Services in the Xcel Energy Standard for Electric installation and use (Blue Book). **Response: Noted**
- 7) In order to meet the clearance requirements from other utilities, the following guidelines must be adhered to:
 - a. There must be 5' between electric and gas service lines as we cannot joint trench.
 - b. Gas lines must be a minimum of 10' away from water/sewer and fire hydrants.
 - c. Service lines must be a minimum of 5' away from the foundation laterally.
 - d. Structures must be a minimum of 20' from each other if gas and electric meters are going to be placed on the same side or across from each other to allow for required clearances.
 - e. No back lot installation
 - f. Xcel does not sleeve under roads for service laterals (if applicable) for future build out.
 - g. Xcel avoids installing under asphalt, with the exception of gas service lines for crossings.
 - h. Gas lines cannot be under heated driveways or walks.
 - i. No trees, boulders or retaining walls over or within 5' of any gas line.

- j. Trees or bushes cannot be used to block or screen a meter.
- k. No fences within 5' of any gas line.
- l. No decks, footers, structures can be installed inside the utility easement.

Response: Noted

8) It does not appear that any of PSCo/Xcel's UE language has been included in the notes on the plat. There is existing gas main running through Lot 1 that is not noted on the plat or utility plan. The following will need to be added.

Easement Language (to cover existing gas main): To ensure that adequate utility easements are available within this development, PSCo requests that the following language and plat note be placed on the preliminary and final plats for the lot/subdivision:

Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to the front and side lot lines of each lot in the subdivision or platted area identified as single-family lots, and around the perimeter of each commercial/industrial and multi-family lot in the subdivision or platted area including tracts, parcels and/or open space areas. Fifteen-foot (15') wide dry utility easements are hereby dedicated on private property adjacent to all public streets and side lot lines abutting exterior plat boundary lines. These easements are dedicated to the City/County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form. **WITH RESPECT TO THE UTILITY EASEMENT GRANTED HEREBY, NO STRUCTURE OR FOUNDATION SHALL BE ALLOWED CLOSER THAN FIVE FEET (5') AROUND ANY UNDERGROUND LINES. NO OTHER UTILITY LINE (WHETHER WATER, SEWER) SHALL BE ALLOWED CLOSER THAN TEN FEET (10') FROM ANY UNDERGROUND LINE. NOT WITHSTANDING THE FOREGOING, UNDERGROUND COMMUNICATION FACILITIES AND ELECTRIC SHALL NOT BE ALLOWED CLOSER THAN FIVE FEET (5') TO ANY GAS LINES AND ABOVE GROUND COMMUNICATION FACILITIES SHALL NOT BE CLOSER THAN FIVE FEET (5') TO ANY UNDERGROUND FACILITIES. NO GRADE CHANGES (FILL OR CUT) IN-EXCESS OF SIX INCHES (6") ARE PERMITTED WITHIN TEN FEET (10') OF ANY UNDERGROUND LINE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM PSCO. NO TREES OR BOULDERS MAY BE PLANTED OVER DISTRIBUTION OR SERVICE LINES AND MUST BE A MINIMUM OF 5' AWAY. Response: The developer will work with MPEI and Xcel Energy to finalize notes pertaining to dry shallow utilities.**

9) The following Non-Exclusive plat language for PSCo/Xcel must be included on the final plat to cover the meter bank:

- a. EACH TOWNHOME, DUPLEX, MULTI-FAMILY OR MULTI-USE BUILDING ON THE PROPERTY SHALL HAVE GAS METERS ON THE GABLE END OF ONE (1) END UNIT ("GAS METER BANK"). DEVELOPER, FUTURE HOMEOWNER, OR METRO DISTRICT HEREBY GRANTS TO XCEL (PSCO) A NON-EXCLUSIVE UTILITY EASEMENT FOR (I) ONE GAS METER BANK ON THE END OF ONE (1) END UNIT PER BUILDING AND (II) ALL OTHER THINGS REASONABLY NECESSARY TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE SUCH GAS METER BANK ON EACH OF THE BUILDINGS (THE "GAS METERING EASEMENT"). ALL LINES AND OTHER FACILITIES RELATED TO SUCH GAS METER BANK, SUCH AS METER RISERS (BUT NOT INDIVIDUAL GAS METERS), SHALL BE THE PROPERTY OF THE DEVELOPER. ALL GAS METERS USED FOR SUCH GAS METER BANKS SHALL BE THE PROPERTY OF XCEL (PSCO). ALL OF THE FOREGOING RIGHTS AND BENEFITS OF XCEL (PSCO) WITH RESPECT TO THE GAS METERING EASEMENT SHALL BE BINDING UPON AND SHALL INURE TO THE BENEFIT OF SUCCESSORS AND ASSIGNS. **Response: See note 9 of final plat**

10) PSCo also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the lot/subdivision, some additional easements may be required as planning and building progresses. **Response: Noted**

11) Reinforcements to the gas system may be needed to accommodate the additional load being requested, which will be at the developer's cost. Total load information will need to be provided upon application so a capacity check can be done before that can be determined. **Response: Noted**

12) The developer must survey/locate any existing gas lines prior to excavation. Any relocates must be applied for and will be at the developers cost. **Response: Noted**

13) Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL, upon final recording of the plat, we can start the full design process and identify the scope of work that will need to be done for this request.
Response: Noted