

**ALEXANDER PLACE ANNEXATION AND
DEVELOPMENT AGREEMENT**

DATE: May 5, 2020

PARTIES: **TOWN OF CASTLE ROCK**, a home rule municipal corporation, 100 Wilcox Street, Castle Rock, Colorado 80104 (“Town”).

MARTINEZ REAL ESTATE COMPANY, LLC, a Colorado limited liability company, 599 Topeka Way, Suite 310, Castle Rock, Colorado 80104 (“Owner”). The Town and Owner may each be termed a “Party,” and collectively, the “Parties.”

RECITALS:

A. Initially capitalized words and phrases used in this Agreement have the meanings stated in Article I, or as indicated elsewhere in the Agreement.

B. The Parties have determined that it is in their mutual interest to enter into this Agreement governing the development of the Property in conjunction with the concurrent approval of the annexation and zoning of the Property.

C. The Parties acknowledge that this Agreement contains reasonable conditions and requirements to be imposed upon the development of the Property and the Project, and that these restrictions are imposed to protect and enhance the public health, safety and welfare of the Town and its residents.

D. Pursuant to Article II, Section 30 of the Colorado Constitution, the Municipal Annexation Act, and Chapter 20.02 of the Code, the Town Council has annexed the Property into its municipal boundaries and has jurisdiction and authority over the Property as necessary to bind the Property to the Town Regulations and to provide Municipal Services to the Property.

E. Each Party has taken the requisite corporate action as may be required under its respective governance instruments to authorize such Party’s execution of this Agreement and to legally bind such Party to perform its obligations under this Agreement.

COVENANTS:

THEREFORE, in consideration of these mutual promises, the parties agree and covenant as follows:

**ARTICLE I
DEFINITIONS**

1.01 Defined Terms. The following words when capitalized in the text shall have the meanings indicated:

Agreement: this Alexander Place Annexation and Development Agreement and inclusive of any future amendments to this Agreement.

Annexation Documents: Ordinance No. 2020-001 approving the Alexander Place Annexation and the Alexander Place Annexation Plat recorded in the Records.

Charter: the Home Rule Charter of the Town, as amended.

Code: the Castle Rock Municipal Code, as amended.

C.R.S.: the Colorado Revised Statutes, as amended.

Development Exactions: the capital recovery fees and charges imposed by the Town under the Town Regulations, including the System Development Fees.

Development Plan: the PD Plan (inclusive of the Phasing Plan) and PD Zoning Regulations, and any associated transportation, water, wastewater, storm water, parks, recreation and open space park master plans.

Effective Date: the date when the following have occurred: (i) the ordinance approving this Agreement and the Development Plan is no longer subject to referendum, and (ii) the required Annexation Documents under §31-12-113(2)(a), C.R.S. have been filed with the Douglas County Clerk and Recorder.

Facilities: the infrastructure prescribed by Town Regulations or expressly prescribed under this Agreement necessary to furnish Municipal Services and Public Utilities to the Property, including the infrastructure required to extend or connect the Facilities to complementary infrastructure off-site of the Property and necessary to serve Public Lands. Facilities include, without limitation, the infrastructure necessary to serve the Property with water, wastewater, storm water and/or drainage, and transportation improvements including, but not limited to streets, roads, sidewalks and trails.

Full Buildout: the completion of the Project as evidenced by the issuance of the certificate of occupancy for the last structure to be constructed within the Property.

Municipal Annexation Act: Part 1, Article 12, Title 31, C.R.S., as amended, also known as the “Municipal Annexation Act of 1965.”

Municipal Services: public safety, water, wastewater, storm water drainage and detention, parks and recreation, transportation and street maintenance, general administrative services including code enforcement and any other public service provided by Town within the municipality under its police powers.

Owner: any person(s) or entity in fee ownership to any portion of the Property, according to the Records. The use of the singular “Owner” shall refer to all owners of the Property, unless the context of the Agreement otherwise limits the reference. As of the date of execution of this Agreement, Martinez Real Estate Company, LLC is the Owner of the Property.

Party(ies): individually or collectively as the context dictates, the Town and Owner, together with their respective successors and assigns.

Phasing Plan: the matrix and notes on the PD Plan designating development thresholds of which Facilities must be developed and Public Lands conveyed to the Town.

Plans: the plans, documents, drawings and specifications prepared by or for Owner for the construction, installation or acquisition of the Facilities as approved by the Town under the Town Regulations.

Plat: a final subdivision plat of any portion of the Property approved under the Town Regulations.

PD Plan or PDP: the Alexander Place Planned Development Plan approved by Ordinance No. 2020-002 and recorded in the Records

Property: that certain real property located in Douglas County, Colorado, which is more fully described in *Exhibit 1*.

Project: the community anticipated to be developed within the Property as set forth in the PD Plan and this Agreement.

Public Lands: those portions of the Property designated on the PD Plan for dedication to the Town or other public entities for parks, recreational areas, public open space, well sites, utilities, public safety and other public purposes, or to the Douglas County School District for educational facilities.

Public Utilities: the infrastructure necessary to extend utility services (other than Municipal Services) to the Property, which are provided by public or quasi-public utilities, including natural gas, electricity and cable television.

Records: the public records of the Douglas County Clerk and Recorder.

Site Development Plan or **SDP**: the land use plan prescribed under Title 17 of the Code.

SIA: a Subdivision Improvements Agreement entered into between the Town and subdivider of a Plat, as required under the Code.

System Development Fees: the capital recovery charges imposed under the Code for water, wastewater, storm water and water resources.

Town Council: the governing body of the Town of Castle Rock, Colorado, constituted under Article II of the Charter.

Town Regulations: the Charter, Code, ordinances, resolutions, rules and regulations of the Town, technical criteria, and the provisions of all zoning, subdivision and building codes, as the same may be amended from time to time.

Urban Services: Municipal Services and services provided through Public Utilities.

Water Rights: the rights to the Denver Basin groundwater underlying the Property as adjudicated in 2015CW3115.

Certain other terms are defined in the text of the Agreement and shall have the meaning indicated.

1.02 Cross-reference. Any reference to a section or article number, without further description shall mean such section or article in this Agreement.

ARTICLE II APPLICATION AND EFFECT

2.01 Binding Effect. The Property is both benefited and burdened by the mutual covenants of this Agreement, and such covenants shall constitute real covenants binding upon successors in interest to the Property, irrespective of whether specific reference to this Agreement is made in any instrument affecting title to the Property. Except as expressly provided in this Agreement to the contrary, upon conveyance of all, or a portion of the Property to a builder/developer, the grantor shall be relieved of all obligations imposed by this Agreement applicable to the portion of the Property conveyed, provided that: (i) the grantee expressly assumes such obligation, and (ii) the grantor shall not be relieved of any default under this Agreement attributable to the action or inaction of the grantor while the grantor was in title to such portion of the Property.

2.02 Mortgage Obligation. No mortgagee or lienholder shall have an affirmative obligation hereunder, nor shall Town have the right to seek performance of this Agreement from mortgagees or lienholders except in the event a mortgagee or lienholder acquires legal title to all, or a portion of the Property, in which event the mortgagee or lienholder shall be bound by the terms, conditions and restrictions of this Agreement.

2.04 Town Regulations. Subject and subordinate to any provisions to the contrary contained in this Agreement, (i) the Town Regulations shall apply to the Property in the same manner and effect as within other areas of the Town, and (ii) this Agreement shall not in any manner restrict or impair the lawful exercise by the Town Council of its legislative or police powers as applied to the Property, including specifically the amendment, modification or addition to the Town Regulations, subsequent to the execution of this Agreement. Provided, Owner does not waive its right to oppose or challenge the legality or validity of any amendment to the Town Regulations that it could maintain absent this Agreement.

When this Agreement calls for compliance with the Town Regulations, the operative Town Regulations in effect at the time such compliance is required shall govern unless the provisions of this Agreement expressly provide to the contrary.

2.06 Commencement of Development. Except as immediately following, execution of this Agreement by Owner does not create any obligation upon Owner to commence or complete development of the Project within any particular timeframe. In the event Owner has not completed construction of at least \$500,000 in Facilities, excluding soft costs (for example, permitting and financing) by December 31, 2030, then the right of Owner under this Agreement and the Town Regulations to undertake further development of the Property, or to obtain permits for construction of private improvements shall be suspended (the "Development Suspension"). The Development Suspension may be released by Town Council, in its discretion, upon a showing of good cause for the delay, and the demonstration by Owner of the ability to commence and complete development of the Property in accordance with the PD Plan. If the Town Council determines that the Development Suspension should not be released, thereafter the Town may initiate modifications to the PD Plan through the Town Regulations. This Agreement and the PD Plan impose certain financial obligations on Owner which are time sensitive after the commencement of development on the Property.

**ARTICLE III
TOWN OBLIGATIONS GENERALLY**

3.01 Municipal Services. Provided Owner has satisfied its obligation to develop the necessary Facilities under this Agreement and the Town Regulations, Town shall provide the Property with Municipal Services at an equivalent service level and on the same terms and conditions, including non-discriminatory fees and charges, as provided elsewhere within its municipal boundaries. Town reserves the right to contract with other governmental or private entities for delivery of Municipal Services to the Property, provided such service level is comparable to that provided by the Town in its proprietary capacity and services are provided on similar terms and conditions as provided to similar residential developments in other portions of the Town.

3.02 Permitted Development. Subject to compliance with the Development Plan and this Agreement, Town shall allow and permit the development of the Property and Project in accordance with the Town Regulations and the Development Plan, upon submission of proper application(s), payment of fees, exactions and charges imposed by the Town Regulations, including the Development Exactions, and compliance with conditions precedent to permitting imposed by this Agreement or the Town Regulations. The Town agrees that it shall review and process all submittals for land use approvals, Plans, specifications, drawings, details, permit applications, Plats or other pertinent data required in connection with the Property in a prompt and efficient manner, in accordance the Town Regulations, Development Plan and this Agreement. Town shall not unreasonably withhold consent to or approval of, nor shall the Town unreasonably deny, delay, or condition, a development request or permit relating to the Property and/or the Project.

3.03 Coordination. Town shall coordinate with and affirmatively support the Owner in any filings or applications before other governmental jurisdictions necessary for the Owner to fulfill its obligations under this Agreement or to allow development of the Property in accordance with this Agreement.

**ARTICLE IV
WATER RIGHTS**

4.01 Annexation Requirement. Under the Town Regulations, the Town must acquire all of the Denver Basin ground water rights associated with annexed property at the time of, and as a

condition to annexation of such property. This requirement supports the Town's obligation to provide a municipal water supply to the Property in accordance with this Agreement. Town shall have no obligation to issue land use approvals for additional development on the Property unless Owner is in compliance with the provisions of this Article IV.

4.02 Conveyance. Concurrently with and as a condition to recordation of this Agreement, Owner shall convey the Water Rights to Town by special warranty deed in the form attached as *Exhibit 2*. Owner shall provide Town with an opinion of title from a qualified Colorado attorney that Owner owns the Water Rights and that upon recordation of the special warranty deed conveying the Water Rights to the Town, Town will have good and marketable title to the Water Rights, free of liens, encumbrances or other title defects. Town has relied upon such opinion in accepting conveyance of the Water Rights.

After conveyance of the Water Rights, Owner shall execute such further reasonable and additional instruments of conveyance and other documents which Town reasonably determines necessary to grant to the Town the exclusive ownership, management and control of the Water Rights. Should it be subsequently determined that marketable title to any portion of the Water Rights did not vest in the Town, the Water Credit established in 5.03 shall be reduced (and the Water Bank debited) in an amount equal to the SFE equivalent of the Water Rights for which marketable title did not vest unless such defect is cured by Owner, to the reasonable satisfaction of the Town.

4.03 Water Credit. Under the Town Regulations, the conveyed Water Rights are converted into development entitlements, referred to as a "Water Credit." The Water Credit is expressed as a single-family equivalent ("SFE"). SFE's are assigned to residential, commercial and irrigation uses under the Town Regulations. Under the Town Regulations no Water Credit is given for the not-nontributary Lower Dawson and Denver aquifers as there is not an approved augmentation plan to support withdrawals. Except to the extent of the application of Water Credit in connection with development of the Property pursuant to this agreement, the Water Credit of 4.48 SFE shall not be affected by changes in the conversion rate of water rights into SFE that the Town may implement through modifications to the Town Regulations after the date of this Agreement, or otherwise reduced or limited in any manner..

4.04 Application of Water Credit. Unless otherwise directed by the Owner in accordance with 4.06, below, the Water Credit shall be reduced:

- (A) initially at the time of Plat approval by the total SFE assigned to all approved development within such Plat (private and public) to the extent the water demand for such use can be determined at Plat approval;
- (B) subsequently adjusted at the time of Site Development Plan approval within the Property, or at building/irrigation permit issuance within the Property for those uses not accounted for at the time of Plat approval, or as necessary to reflect specific SFE assignment determined at building permit; and
- (C) at the time all potable and irrigation tap sizes are known, the Water Credit in the Water Bank, as defined in 4.05 shall be adjusted to reflect the SFE assignment in accordance with the Town Regulations.

4.05 Water Bank. In order to properly account for the Water Credit, Town shall administratively maintain an account designated as the Alexander Place Water Bank (“Water Bank”). The Water Bank shall be debited or credited from time to time upon the Owner’s application of any portion of the Water Credit in accordance with this Article IV. Water Bank shall be formatted as follows:

ALEXANDER PLACE WATER BANK						
ENTRY	AF		RECORDING INFO	SFE DEMAND	SFE SUPPLY	NET
Water Rights Conveyance					4.48	
CIL Payment					18.7	23.18

With any entry made, (debit or credit), to the Water Bank by the Town, the Owner shall receive notification in writing. Any objections raised by Owner regarding any entry shall be reviewed by the Town, however, the Town’s determination after such review shall be final and binding, if made in accordance with this Agreement.

4.06 Ownership and Transfer of Water Credit The Water Credit may be allocated by Owner at the time of approval of any Plat within the Property for the use and benefit of the portion of the Property subject to such Plat (“Allocated Water Credit”) upon the issuance of notice to the Town

of such allocation by the Owner. Upon such notification, the Allocated Water Credit may be used exclusively for the portion of the Property subject to such Plat.

Upon the Town's determination that the Allocated Water Credit exceeds the demand for the designated portion of the Property, the Allocated Water Credit may be transferred for use on other portions of the Property with the prior written consent of the Owner.

Owner may grant a security interest in the Water Credit to a creditor, provided that such creditor's use of the Water Credit upon foreclosure of the security interest shall be subject to all rights, conditions and restrictions contained in this Article IV. Provided, however, any Water Credit "debited" from the Water Bank pursuant to 4.05 shall no longer be subject to such collateral assignment, irrespective of whether or not the secured party has expressly consented to such water credit debit.

The Water Credit may not be assigned or transferred for use on properties other than the Property. Any unused portion of the Water Credit remaining after Full Buildout shall revert to the Town, at no cost or obligation to Town.

4.07 Required Water Sources. The initial Water Credit of 4.48 SFE will be insufficient to meet the water dedication requirements through Full Buildout. There is not any significant Denver Basin ground water within the Town limits which is not already owned by the Town and encumbered to meet existing and planned water service commitments of Castle Rock Water ("CRW"). Consequently, in order to offset the ground water demand created by Full Buildout, CRW will need to eventually acquire or utilize the rights to Denver Basin groundwater underlying properties remote from the Town limits, with the attendant acquisition, development and transmission costs. These incremental costs are currently not accounted for in the cash-in-lieu provisions in the Code. Based on these cost factors and considering the projected water demand created from Full Buildout, Owner shall make a payment of \$96,900 ("CIL Payment") concurrently with and as a condition to recordation of this Agreement. With the CIL Payment, the Water Credit shall be increased by 18.7 SFE, resulting in a total Water Credit of 23.18 SFE. If the Water Bank is exhausted prior to Full Buildout, or if a specific portion of the Property has insufficient Allocated Water Credit(s), the Owner of such portion of the Property and/or Owner shall be required and shall have the right to provide additional water resources acceptable to the Town or pay to Town cash-in-lieu of water rights in accordance with the Town Regulations then in effect. Absent provision of such additional water resources, Town shall not

be obligated to approve any additional Plat(s) or issue building permits for that portion of the Property for which sufficient Water Credits are not allocated or for which a cash-in-lieu payment has not been made.

4.08 Water Efficiency Plan. Owner shall implement the Water Efficiency Plan attached as *Exhibit 3* (“Water Efficiency Plan”) for all development within the Property. The Water Efficiency Plan shall be incorporated into all conveyance documents for the Property and private covenants and restrictions. Builders of any structures on the Property shall be required to implement and follow all requirements of the Water Efficiency Plan.

Minor modifications and clarifications to the Water Efficiency Plan may be made administratively as determined by the Town. In the event that more restrictive water use conservation measures than are contained in the Water Efficiency Plan are subsequently adopted through the Town Regulations, the more restrictive provisions shall govern.

ARTICLE V FACILITIES DEVELOPMENT

5.01 Generally. Except for the Town Facilities defined in Section 5.04, development of the Facilities shall be the exclusive obligation of Owner, and Owner shall bear the cost of planning, design, construction and financing of the Facilities and all other related and incidental activities, including off-site property or easement acquisition if such off-site property interests are necessary to construct the Facilities or to connect the Facilities to existing infrastructure and are located in the general vicinity of the Property.

The Facilities shall be developed in strict accordance with Town Regulations, the Development Plan, this Agreement, the Phasing Plan and the applicable SDP, Plat and SIA. Except as otherwise expressly provided in this Agreement, Town shall have no obligation to develop Facilities.

5.02 Oversizing. In the event Owner develops Facilities which are sized to serve, or otherwise directly benefit adjacent developments, Town and Owner shall prescribe in the applicable SIA the method by which Owner may recover a fair and equitable portion of the cost of development of such Facilities from such third-party developments. Town shall make diligent and best efforts to obtain such recoupment, subject to applicable legal limitations on its authority

to effect such recoupment and pre-existing contractual provisions with such other development interests.

5.03 Cooperation in Facilities Development. Town and Owner shall cooperate in obtaining necessary permits and approvals required by other governmental agencies in order to develop the Facilities. Town shall apply for any such permits or approvals in its name or in the joint names of the Town and Owner, if so required by the governmental agencies. Town shall incur no liability to Owner if such governmental agencies do not issue necessary permits and approvals, despite the concerted, good faith efforts of the Town.

5.04 Town Facilities. Except as provided in 6.01 and 6.02, below, the Town has the obligation to construct, acquire or otherwise develop raw water production, treatment and storage and wastewater treatment with sufficient capacity to serve development within the Property ("Town Facilities"). Unless a portion of the cost of the Town Facilities is allocated to Owner by mutual agreement, Town shall have the exclusive obligation to design, engineer and construct the particular component of the Town Facilities such that the Town Facility is available for service to development within the Property.

5.05 Facilities Control. Upon dedication of Facilities by Owner and acceptance by Town, Town shall have the exclusive management control of the Facilities and all capacities therein. Town may use or allow others to use the capacities in the Facilities, provided that the capacities developed by Owner at Owner's cost shall be reserved for the benefit of the Property, or if used by Town to serve other properties, Town shall provide replacement or alternative capacities in such a manner as to not impede development on the Property and so as to maintain adequate service to existing development on the Property.

5.06 Subdivision Improvements Agreement. The Town Regulations require that a subdivider enter into a SIA at the time of approval of a Plat. The SIA addresses the engineering requirements for the Facilities to be constructed to serve the Plat and the financial guarantees to assure construction of the Facilities. Unless expressly modified in the SIA (in which case, the express provisions of the SIA shall control), the provisions of this Article V will apply to the development of such Facilities, irrespective of whether or not reference to this Article V is made in the SIA.

5.07 Tributary C Drainageway Improvements. Owner, at its sole expense, shall be responsible for the construction of the necessary drainage improvements to the Tributary C drainageway, which improvements include, but are not limited to three modified check structures, or equivalent means of channel stabilization, as identified in the lower Reach 3 limits of Tributary C in the Tributary C and D Watersheds Master Plan Report by RESPEC dated October 2014 (“Tributary C Improvements”). The Tributary C Improvements shall be constructed concurrently with and as part of the Facilities necessary to serve the Property.

ARTICLE VI TRANSPORTATION

6.01 Alexander Place Extension. Owner, at its sole expense, shall construct the extension of Alexander Place from Brewer Court to the eastern boundary of the Property (“Alexander Place Extension”), which shall include a cul de sac or a hammerhead turn-around at the Property boundary. The construction of the Alexander Place Extension must be in conformance with the Town’s standard local residential cross-section in accordance with the Transportation Design Criteria Manual, and dedicated to the Town.

6.02 Founders Parkway/Allen Way Improvements. Concurrently with and as a condition to recordation of this Agreement, Owner shall pay to Town (i) \$9,650 as reimbursement for construction of the intersection control improvements at the intersection of Founders Parkway and Allen Way; and (ii) \$10,000 as cash in lieu of construction of the intersection improvements at Founders Parkway and Front Street to be constructed by the Town when the Town determines improvements are warranted.

6.03 Right of Way Dedication Concurrently with and as a condition to recordation of the first Plat, Owner shall dedicate to Town, at no cost to Town, the 45-foot right of way, as described on the attached *Exhibit 4* (the “Alexander Place ROW”).

ARTICLE VII PUBLIC LANDS AND FACILITIES

7.01 Public Land Dedication. Under the Town Regulations, 2.92 acres of Public Land dedication (“PLD”) is required to offset the impact from development of the Project. No portion

of the Property qualifies as a suitable for PLD under Town criteria. Accordingly, as a condition to recordation of the first Plat within Phase 1 (as depicted on the Phasing Plan) Owner shall pay to Town \$196,020 in lieu of PLD attributable to Phase 1. As a condition to recordation of the first Plat within Phase 2 (as depicted on the Phasing Plan) Owner shall pay to Town \$58,370 in lieu of PLD for Phase 2.

7.02 Acquisition of Off-Site Real Property Interests. Wherever this Agreement requires the Owner to acquire any off-site real property interest for the purpose of constructing Facilities or providing other public improvements in connection with the Project, the acquisition of such off-site real property interests shall be the sole and exclusive responsibility of the Owner, and the Owner shall bear all landowner compensation due and costs associated with the same.

7.03 Landscape Maintenance. Owner shall have the responsibility, for the maintenance of landscaping within any public street right-of-way dedicated by Owner to the Town, including water, irrigation system, features, plantings, etc., for the landscaping between the right-of-way and street curbing, as well as within street medians and roundabout islands. Such maintenance shall be at the sole expense of Owner(s) and to the standard for maintenance established by the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Section 4.3, or subsequently adopted equivalent provision. Owners' maintenance obligation includes procurement of water services from the Town and payment of applicable water service charges under the Town Regulations.

For purposes of this Agreement, all of the foregoing shall be termed the "Landscape Maintenance Obligations." Owner shall have the right, but not the obligation, to assign its rights and delegate its duties regarding the Landscape Maintenance Obligations to one or more associations established in connection with the Project (each an "Association") pursuant to C.R.S. 38-33.3-101, et seq.; provided that, to the maximum extent permitted by applicable law, the Declaration (as that term is defined C.R.S. 38-33.3-103) of such Association (a) provides that the Association shall perform all or a portion of the the Landscape Maintenance Obligations; and (b) includes as a portion of the Common expenses (as that term is defined C.R.S. 38-33.3-103) the obligation to pay for the Landscape Maintenance Obligations that such Association shall be required to perform.

ARTICLE VIII DEFAULT AND REMEDIES

8.01 Event of Default. Failure of Town or Owner to perform any covenant, agreement, obligation or provision of this Agreement, constitutes an event of default under this Agreement.

8.02 Default Notice. In the event any Party alleges that another is in default, the non-defaulting Party shall first notify the defaulting Party in writing of such default, and specify the exact nature of the default in such notice. Except as otherwise provided herein, the defaulting Party shall have twenty (20) business days from receipt of such notice within which to cure such default before the non-defaulting Party may exercise any of its remedies hereunder. If such default is not of a type which can be cured within such twenty (20) day period and the defaulting Party commenced the cure within the twenty (20) day period and is actively and diligently pursuing such cure, the defaulting Party shall have a reasonable period of time given the nature of the default following the end of the twenty (20) day period to cure such default, provided that such defaulting Party is at all times within such additional time period actively and diligently pursuing such cure in good faith.

8.03 Remedies. In addition to specific remedies provided elsewhere in this Agreement (including Town's right to withhold development approvals on portions of the Property burdened with the unperformed obligation), upon notice of default and failure to cure in accordance with 9.02, the non-defaulting Party shall have the right to take whatever action, at law or in equity, which appears necessary or desirable to enforce performance and observation of any obligation, agreement or covenant of the defaulting Party under this Agreement, or to collect the monies then due and thereafter to become due. In any such legal action, the substantially prevailing Party shall be entitled to recover its reasonable attorney's fees and litigation costs from the other party.

The Parties acknowledge and agree that Mortgagee has a right, but not the obligation, to remedy or cure any event of default or breach by Owner under this Agreement, and that the Town will accept such remedy or cure if properly and timely carried out by Mortgagee; provided that any remedy or cure by Mortgagee shall not be construed as an assumption by Mortgagee of, or create any liability to Mortgagee with respect to the obligations of owner under this Agreement unless Mortgagee acquires ownership of the Property.

ARTICLE IX GENERAL PROVISIONS

9.01 Amendment. Any and all changes to this Agreement, in order to be mutually effective and binding upon the parties and their successors, must be in writing and duly executed by the signatories or their respective representatives, heirs, successors or assigns.

9.02 Interpretation. In this Agreement, unless the context otherwise requires:

- (a) all definitions, terms and words shall include both the singular and the plural;
- (b) words of the masculine gender include correlative words of the feminine and neuter genders, and words importing singular number include the plural number and vice versa; and
- (c) the captions or headings of this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provision, article or section of this Agreement.

9.03 Notice. The addresses of the parties to this Agreement are listed below. Any and all notices allowed or required to be given in accordance with this Agreement are deemed to have been given when delivered to the other parties, or five (5) days following the date the same is deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested, addressed to the other parties at the addresses noted, or such address as is subsequently endorsed in writing, or in the event of transfer of the Property to the address of such grantee as indicated in the recorded instrument whereby such grantee acquired an interest in the Property.

If to Town: Town Attorney
 Town of Castle Rock
 100 Wilcox Street
 Castle Rock, CO 80104

If to Owner: Martinez Real Estate Company
 599 Topeka Way, Suite 310
 Castle Rock, Co 80109

9.04 Severability. It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is held by the Courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

9.05 Conflicts. If the terms and provisions of this Agreement are in conflict with any prior agreement between the Town and the Owner or the Town Regulations, the terms and provisions of this Agreement, as it may be amended from time to time, shall control.

9.06 Verification. The Town and the Owner shall provide the other written verification regarding the status, performance or completion of any action required of the Town or the Owner under the Agreement or by the terms of any other agreement.

9.07 Entire Agreement. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written.

9.08 Recording. This Agreement will be recorded in the Records after mutual execution by the Parties following the Effective Date.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGES TO FOLLOW**

Unofficial Copy

Exhibit 1

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF THE SOUTH ½ OF THE NORTH ½ OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ¼ CORNER OF SAID SECTION 26:

THENCE EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF SECTION 26, A DISTANCE OF 2110.28 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 04 MINUTES EAST, A DISTANCE OF 339.96 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF SAID SECTION 26;

THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 105.62 FEET:

THENCE 00 DEGREES 04 MINUTES EAST, A DISTANCE OF 120.00 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS EAST PARALLEL TO THE SOUTH LINE OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF SAID SECTION 26, A DISTANCE OF 726.00 FEET:

THENCE SOUTH 00 DEGREES 04 MINUTES WEST, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF SAID SECTION 26:

THENCE SOUTH 89 DEGREES 57 MINUTES 20 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 29.22 FEET:

THENCE SOUTH 00 DEGREES 04 MINUTES WEST, A DISTANCE OF 341.58 FEET TO THE SOUTH LINE OF THE NORTH ½ OF SAID SECTION 26:

THENCE WEST AND ALONG SAID SOUTH LINE, A DISTANCE OF 802.40 FEET, TO THE POINT OF BEGINNING.

SPECIAL WARRANTY DEED

GRANTOR: **MARTINEZ REAL ESTATE COMPANY LLC**, a Colorado limited liability company, 599 Topeka Way #310, Castle Rock, Colorado 80109

GRANTEE: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104

Grantors for the consideration of ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby sells and conveys to Grantee, its successors and assigns, the rights to the ground water adjudicated in Case No. 15CW3115, Water Division 1, underlying the real property described in the attached *Exhibit 1*, and further described as follows:

<u>Decree</u>	<u>Aquifer</u>	<u>AF/Yr.</u>
15CW3115	Lower Dawson (NNT)	3.4
15CW3115	Denver (NNT)	4.3
15CW3115	Arapahoe (NT)	4.3
15CW3115	Laramie-Fox Hills (NT)	<u>1.9</u>
Total		13.9

subject to all terms of said decree, with all appurtenances, and warrants the title to same against all persons claiming under Grantors.

EXHIBIT

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 26:

THENCE EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF SECTION 26, A DISTANCE OF 2110.28 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 04 MINUTES EAST, A DISTANCE OF 339.96 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SAID SECTION 26;

THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 105.62 FEET:

THENCE 00 DEGREES 04 MINUTES EAST, A DISTANCE OF 120.00 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS EAST PARALLEL TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SAID SECTION 26, A DISTANCE OF 726.00 FEET:

THENCE SOUTH 00 DEGREES 04 MINUTES WEST, A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SAID SECTION 26:

THENCE SOUTH 89 DEGREES 57 MINUTES 20 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 29.22 FEET:

THENCE SOUTH 00 DEGREES 04 MINUTES WEST, A DISTANCE OF 341.58 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 26:

THENCE WEST AND ALONG SAID SOUTH LINE, A DISTANCE OF 802.40 FEET TO THE POINT OF BEGINNING.

**WATER EFFICIENCY PLAN FOR
COLORADO 382 ALEXANDER PLACE**

WEP19-0001
PDP-17-0001

July 20, 2016
Revised February 12, 2019
Revised May 7, 2019
Revised July 2, 2019
Revised August 29, 2019

Prepared for:

Town of Castle Rock
Castle Rock Water
175 Kellogg Court
Castle Rock, Colorado

Prepared by:



Dewberry

J3

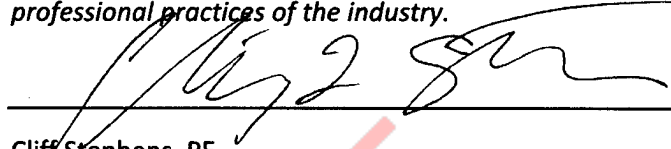
8100 E. Maplewood Avenue
Greenwood Village, Colorado 80111
Phone: 303-368-5601
Fax: 303-368-5603
Contact: Cliff Stephens, P.E.

Job No. 552001/50110779

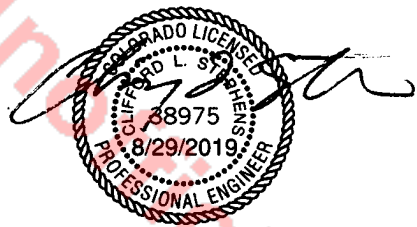
**Water Efficiency Plan for
Colorado 382 Alexander Place**

Engineer's Certification

"This Water Efficiency Plan for the Colorado 382 Alexander Place development was prepared by me or under my direct supervision in accordance with the Town of Castle Rock's guidance and acceptable professional practices of the industry."



Cliff Stephens, PE,
Licensed Professional Engineer
State of Colorado
No. 38975



8/29/2019

Date

Unofficial Copy

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A. PURPOSE

The purpose of this Water Efficiency Plan is to provide a guide for the developer to use in maximizing water efficiency for the development. The narrative provides a description of the project, methodology utilized for analyses and a recommended impact fee assessment.

B. GENERAL LOCATION AND DESCRIPTION

1. Location of Property

The property lies in the SE 1/4 of the NW 1/4 of Section 26, Township 7 South, Range 67 West of the 6th Principal Meridian, and in the SW 1/4 of the NE 1/4 of Section 26, Township 7 South, Range 67 West of the 6th Principal Meridian in Douglas County, State of Colorado (Vicinity Map Appendix I).

The property comprises approximately 8.37 acres currently unincorporated in Douglas County. It is bounded on the west by Lots 3 and 4, Montana Vista Subdivision, on the south by Tract D, Metzler Ranch Filing 3 Subdivision, on the north by Lot 4 Block 12, Cooper-Hook Main Place Filing 1 Subdivision, and on the east by a single family residence on 6.75 acres in unincorporated Douglas County.

2. Description of the Proposed Project

Phase 1 of the project consists of 26 age restricted single family attached units, and 63 age restricted multi-family units on the eastern 5.62 acres of the property. A future Phase 2 on the western 1.72 acres of the property will consist of a 36 bed assisted living facility and memory care unit.

C. WATER SYSTEM CHARACTERISTICS

1. Existing Supply

The proposed Alexander Place development will be served by the Town of Castle Rock's potable water system via an existing 12 inch water main located just west of the site.

2. Proposed Facilities

All water facilities on-site will be constructed according to the current Town of Castle Rock Water and Wastewater Design Criteria Manuals.

3. Irrigation Demand

Landscaping will have landscape and irrigation designs that exceed the current Town of Castle Rock landscape and irrigation standards outlined in the Landscape and Irrigation Performance Standards and Criteria Manual Section 4.2.4A, and will promote efficient water use, enhance environmental sustainability while providing exceptional aesthetics and quality of life. Total yearly irrigation demand for the project is projected at 1.37 ac-ft.

D. WATER USAGE PERFORMANCE STANDARDS

1. Indoor Water Efficiency

Single-family detached homes will be constructed according to the following indoor criteria. Minimum Standards per the Town of Castle Rock's Minimum Water Efficiency Standards will be required to be met. The standards listed below are largely based on the U.S. Environmental Protection Agency's WaterSense Version 1.1 New Home Specification; however, the values may be adjusted to reflect new technologies and updates to the WaterSense program.

1.1. Service Pressure

- 1.1.1. Limited to 60 pounds per square inch (psi) at the point of service.

1.2. Toilets

- 1.2.1. WaterSense labeled, less than or equal to 1 gallon per flush (gpf).

1.3. Urinals

- 1.3.1. WaterSense labeled, less than or equal to 0.5 gpf.

1.4. Kitchen Faucets

- 1.4.1. Less than or equal to 1.5 gallons per minute (gpm).

1.5. Bathroom Faucets

- 1.5.1. WaterSense labeled, less than or equal to 1.2 gpm.

1.6. Showerheads

- 1.6.1. WaterSense labeled, less than or equal to 1.5 gpm per showerhead.

1.7. Clothes Washers

- 1.7.1. Energy Star labeled, less than or equal to 6.0 gallons/cycle/cubic foot. (Water Factor of 6 or less. WF = total consumption per cycle / capacity)
Required if financed, installed, or sold as upgrades through the homebuilder.

1.8. Dishwashers

- 1.8.1. Energy Star labeled, less than or equal to 4.25 gallons/cycle.

1.9. Installed recirculation systems will be demand-initiated.

1.10. Leak Detection

- 1.10.1. Provide continuous flow monitoring device such as Flo by Moen.

2. Outdoor Water Efficiency

2.1. Landscape Design

- 2.1.1. All front and rear yards will be designed and installed by the builder.
- 2.1.2. The following requirements shall apply to all residential landscapes:
 - 2.1.2.1. Turf types shall not include Kentucky Bluegrass varieties. Allowable turf type shall include turf species that can survive on 15" or less of supplemental irrigation per year. Allowable turf species shall be approved by the Town.
 - 2.1.2.2. Maximum turf areas shall not exceed the following for the listed lot size in square feet (sf):

- 2.1.2.2.1. Lots up to 7,000 sf: 30%.
- 2.1.2.2.2. Lots between 7,001 sf and 17,000 sf: 20%.
- 2.1.2.2.3. Lots over 17,001: 20% not to exceed 5000 sf..

2.1.2.2.5. Note - Maximum turf areas for lot sizes which do not meet these specific sizes shall be adjusted based on a % ratio of similar lot sizes with Town approval.

2.1.2.2.6. In no case shall maximum turf areas exceed the limits of this Water Efficiency Plan or the maximum allowed under the Town's Landscape and Irrigation Performance Standards and Criteria.

2.1.2.3. 100% Xeriscape landscapes are allowed but must provide a minimum coverage of plant materials of 75% at 5 year maturity in front yards and side yards when adjacent to streets. Rear yards shall have a minimum of 40% plant coverage at 5 year maturity. The remainder of yard coverage can be composed of mulches, aggregate surfacing, artificial turfs or hardscape. All plants used in xeriscape are to be low to very low hydrozones per the Town of Castle Rock plant list.

2.2. Irrigation Design

2.2.1. Residential Irrigation designs shall follow the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual. Refer to Sections 4 and 6 for specific requirements. Additional requirements shall include:

2.2.1.1. Controllers: Automatic irrigation system controllers shall be Town Approved weather based (ET) or soil-moisture based, that automatically adjust irrigation in response to changes in plants' needs as weather conditions change or soil moisture changes.

2.2.1.1.1. Automatic irrigation system controllers shall be WaterSense Labeled or approved by the Town.

2.2.1.1.2. Weather-based (ET) controllers without integral rain sensors shall have a separate wired or wireless rain sensor. Rain sensor must not be bypassed, and must remain fully operational.

2.2.1.1.3. Smart controllers equipped with integrated rain sensor, flow sensors and master valves shall be used.

2.2.1.1.4. Controllers shall have a minimum of 3 programs or schedules and a minimum of 3 start times per each schedule or program.

2.2.1.2. Sprinkler Heads: Pop-up or rotor heads that utilize high efficiently spray nozzles designed with head to head coverage per the Town of Castle Rock's Landscape and Irrigation Performance Standards. This may include conventional rotors, stream rotators or high efficiency pop-up spray nozzles. The DU must be verified by third-party tests.

2.2.1.2.1. Minimum pop-up height must = 6", 12" minimum for native areas.

- 2.2.1.2.2. Sprinkler bodies shall have built in pressure regulating stems and check valves
- 2.2.1.2.3. Maximum spacing for the sprinkler heads to be head to head at 90% of max. spray radius.
- 2.2.1.2.4. The turf may use a combination of pop-up sprays on areas 25' or less and short to medium range rotors in areas greater than 25'.
- 2.2.1.2.5. Traditional fixed and traditional variable arc spray nozzles are not allowed.
- 2.2.1.2.6. Pop-up spray nozzles cannot be zoned together with multi- trajectory rotating stream nozzles or traditional rotor heads.
- 2.2.1.3. Drip Irrigation: the use of a drip system will be used in all shrub bed areas, no spray type irrigation will be allowed. Minimum requirements are:
 - 2.2.1.3.1. Pressure compensating emitters
 - 2.2.1.3.2. Pressure regulation at the control valve assembly (min. of 20 PSI, max. 40 PSI)
- 2.2.1.4. Filtration at the control valve assembly (min. 200 mesh)

3. Resident Education

- 3.1. The developer/builder shall create educational materials to be provided to residents. Educational program will be approved by the Town and will contain information pertinent to the Water Efficiency Plan, water budget rate structure, and specific water conservation measures including, but not limited to, soil preparation appropriate for existing conditions and selected plant materials, smart irrigation controllers, and high efficiency sprinkler heads and nozzles.
- 3.2. Residents shall receive personal training on the care and operation of the irrigation system and plant material by the installing contractor. This shall include controller operations and programming, locations of shut off valves, rain sensors, flow sensors, mastervalves, hot water circulation, whole house flow monitoring system, winterization need, watering days as determined by address, and expected plant material watering needs.
- 3.3. Residents shall be provided seasonal education by the community for spring, summer, fall, and winter maintenance, care and waterwise conservation. This shall include presentations supplemented by written materials.
- 3.4. Residents shall be educated regarding installed indoor and outdoor water efficiency measures, including relationships with water budgets and billing rates. Education will be accomplished through the personal training and community training described above.
- 3.5. All financial costs and responsibility for implementation of the educational components shall be borne by the developer/builders.

E. VERIFICATION

The Water Efficiency Plan requires each completed home, landscape and irrigation system be inspected by a Town approved 3rd party inspector. The 3rd party inspector shall certify that all homes, landscapes and irrigation systems are being constructed in compliance with the standards outlined in the Design Guidelines.

1. Indoor Water Efficiency Standards

As part of the building permit application, builders will be required to submit detailed information regarding the specific high-efficiency fixtures and appliances being installed in each unit and to verify that they meet or exceed the indoor Design Guidelines. A sample verification checklist is provided in the Appendix. Third party inspection must be submitted prior to Certificate of Occupancy.

2. Outdoor Water Efficiency Standards

In accordance with the Town's existing Landscape and Irrigation Performance Standards and Criteria Manual, a landscape and irrigation plan must be completed for each residential unit. Each submittal will be compared to the Design Guidelines to ensure compliance with the Alexander Place water efficiency standards. Each submittal will be compared to the irrigated turf and outdoor water budget restrictions to ensure compliance with the minimum stated standards. The submittal shall include the name of the Town-registered landscape and irrigation contractors. A sample verification checklist is provided in the Appendix. If landscape or irrigation does not pass a third party inspection, the water rights deduction (SFE) will be adjusted accordingly.

F. ESTIMATED WATER DEMANDS

1. Residential Water Demand

Residential water use estimates were calculated using Monterey Peninsula Water Management District's (MPWMD) Rule 24 – Calculation of Water Use Capacity and Capacity Fee. per the direction of Castle Rock Water Department. Rule 24 uses a fixture unit methodology for estimating residential demands, and a water use factor methodology for estimating commercial demands. This was used to determine a baseline demand for the entire development in acre feet per year (See Appendix IV, Page 24-6).

Using Rule 24 from MPWMD a yearly demand of 9.84 acre-feet was calculated. Checking this calculation using a rough demand of a half an acre foot per household (including irrigation) used by many water planners equals 13 acre feet for 26 units. An additional check assumes indoor use for a typical household of 100 gallons per capita per day, or 9.3 acre feet for 26 units assuming 3.2 people per unit. The 2010 census for Monterey County indicates a household size of 3.24 people. Thus the calculation outline in rule 24 appears reasonable for a single family detached household. However,

in a study on the impacts of 55+ communities done by the National Association of Home Builders, an average household size for ages 55 and over in Colorado was found to be 1.68 people (Appendix IV Table A-1A) . A reasonable assumption would be to proportion the yearly demand as calculated by Rule 24 by the projected actual household size of the proposed development versus household size in Monterey County. This indicates an annual demand of 5.102 acre feet per year. Using Castle rock Water's design guideline of 400 gpd per household, this equates to 2.30 Single Family Equivalentents (SFE's)

2. Assisted Living/Memory Care Component

Rule 24 assumes usage based on number of beds in the facility (Appendix IV, Table 2). This calculates to a demand of 3.72 acre feet per year. This appears to be a reasonable demand. This equates to 1.67 SFE's.

3. Irrigation Component

The table below calculates irrigation usage for the overall site. Turf shall be a moderate water use blend.

Total Acreage (ac)	Building Area (ac)	Hardscape Area (ac)	Landscape Area (ac)
8.37	2.46	2.16	3.75

Landscape Type	Percent of Landscaping	Acreage	Water use/yr (in)	Water Use/yr (ac-ft)	Water Use/yr (SFE's)
Low Water Turf	7.2	0.27	10.00	0.23	0.10
Xeriscape	32.8	1.23	10.00	1.03	0.46
Non-irrigated	60.0	2.25	0.00	0.00	0.00
Total		3.75		1.25	0.56

G. CONCLUSIONS

By following industry standard design guidelines and industry water conservation practices, total annual water use for the project is estimated at 10.07 acre feet per year, or 4.53 SFE's.

H. REFERENCES

1. Rule 24, Monterey Peninsula Water Management District
2. Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual
3. *Approving 55+ Housing: Facts That Matter*; National Association of Home Builders
4. Town of Castle Rock Minimum Standards for Water Efficiency Plans
5. Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria, April, 2018.

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APPENDIX I – VICINITY MAP



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APPENDIX II – SITE PLAN

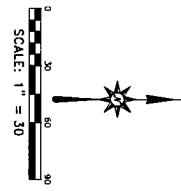
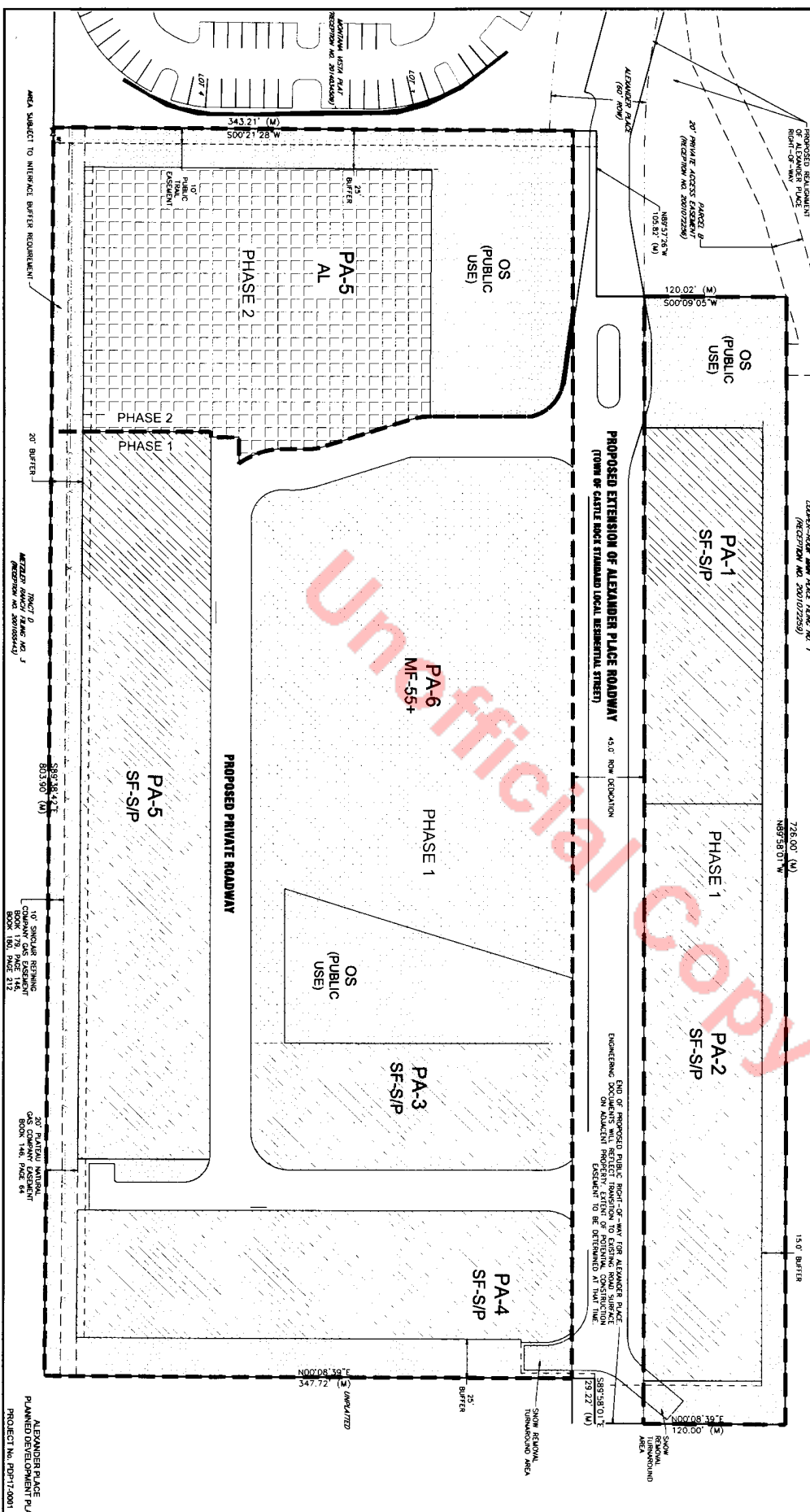
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ALEXANDER PLACE PLANNED DEVELOPMENT PLAN & ZONING REGULATIONS

LOCATED IN THE NORTH ONE-HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST,
OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO
TOWN OF CASTLE ROCK PROJECT NO.: PDP17-0001

- LEGEND**
- OS PUBLIC USE
 - SF-SIP SINGLE-FAMILY COTTAGES
 - MF-55 MULTIFAMILY APARTMENTS
 - ASSESSMENT, REGULATION AND MEMORY CARE

- GENERAL NOTES**
1. STREETS AND ACCESS POINTS ARE CONFORMING IN THE SIP AND OS PROPOSED STREET SECTIONS TO MEET SPECIFICATIONS MANUAL, 2012
 2. PLANNING AREAS ARE DESIGNATED FOR GRAPHICAL PURPOSES AND ARE CHANGED IN SIZE SO LONG AS THE RESIDENTIAL/HOMEOWNER INTERFERENCE REGULATIONS SHALL APPLY WHERE ALEXANDER PLACE IS ADJACENT TO CONCRETE STREETS.
 3. STREETS SHALL BE TO THE 6TH STREET SECTION FROM THE PROPOSED EXTENSION OF ALEXANDER PLACE AND THE PROPOSED EXTENSION OF ALEXANDER PLACE SHALL BE CONNECTED TO THE 6TH STREET SECTION FROM THE PROPOSED EXTENSION OF ALEXANDER PLACE AND SHALL BE CONNECTED TO PROPOSED CONNECTED SECTIONS OF STREETS.
 4. THE DEVELOPER IS RESPONSIBLE FOR MAINTAINING ALL TEMPORARY EGRESS VEHICLE ACCESS, ROUTES AND GATES, INCLUDING SNOW REMOVAL.
 5. ALL PUBLIC LAND DECISIONS SHALL BE MADE AT THE TIME OF THE PROPOSED EXTENSION OF ALEXANDER PLACE AND SHALL BE SUBJECT TO THE PD RECORDS OF THE PROJECT.
 6. AMENDMENTS TO THIS PHASING PLAN MAY BE APPROVED ADJUDICATIVELY AS DETERMINED BY THE DEVELOPMENT SERVICES DIRECTOR.
 7. TURNING AREAS PER TOWN CENTER SHALL BE PROVIDED WHEN ADJACENT TO CONCRETE STREETS.
 8. FROM THE TURNING AREAS, PROPOSED TURNING AREAS SHALL BE PROVIDED TO THE PROPOSED EXTENSION OF ALEXANDER PLACE AND SHALL BE CONNECTED TO THE 6TH STREET SECTION FROM THE PROPOSED EXTENSION OF ALEXANDER PLACE AND SHALL BE CONNECTED TO PROPOSED CONNECTED SECTIONS OF STREETS.
 9. ALL TRAILS SHALL BE 8 FEET WIDE WITH A CONCRETE SURFACE.



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710 WEST COLFAX AVENUE
DENVER, COLORADO 80204
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NO.	DATE	DESCRIPTION
1	06/20/2018	ISSUED FOR PERMIT
2	07/10/2018	ISSUED FOR PERMIT
3	07/10/2018	ISSUED FOR PERMIT
4	07/10/2018	ISSUED FOR PERMIT

PLANNED DEVELOPMENT PLAN
SITE: ALEXANDER PLACE
FOR: MARTINEZ REAL ESTATE COMPANY, LLC
599 TOPEKA WAY
CASTLE ROCK, CO 80104

ALEXANDER PLACE PLANNED DEVELOPMENT PLAN & ZONING REGULATIONS

LOCATED IN THE NORTH ONE-HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST,
OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO
TOWN OF CASTLE ROCK PROJECT NO.: PDP17-0001



**SECTION 1
GENERAL PROVISIONS**

1.1 **Adopted/Amended Ordinance** Section 17 of Title 17 (Zoning) of the Castle Rock Municipal Code (the "Zoning Code"), after appropriate public notice and hearing, the Town Council adopted the Alexander Place Senior Living PDP and Zoning regulations.

1.2 **Applicability**
The Alexander Place Senior Living PDP and Zoning Regulations, as approved by the Castle Rock Town Council shall run with and bind all holders of record their successors, heirs and assigns.

1.3 **Maximum Level of Development**
The total number of dwelling units and apartments approved for development within the established planning area will be the allowable cap as indicated in the Development Standards Chart in Section 6 of this document. The actual number of dwelling units and apartments will be determined at the discretion of the Town Council.

1.4 **Relationship to Other Regulations**
The Alexander Place PDP and Zoning regulations do not address a particular subject, the relevant provisions of the Town Municipal Code shall be applicable.

1.5 **Severability of Provisions**
If any provision hereof shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**SECTION 2
DEVELOPMENT AGREEMENT**

In addition to their regulations, certain provisions of the development of this property are controlled by the agreement entered into between the Town of Castle Rock and the PDP project, as approved by the Town of Castle Rock on the _____ day of _____, 2019, by Ordinance No. _____.

**SECTION 3
SITE DEVELOPMENT PLANS AND PLATS**

Following approval of Alexander Place Senior Living PDP and Zoning regulations, the property owners shall submit a Site Development Plan (SDP) for all of the site parcels to the Town of Castle Rock for review. The SDP shall be submitted to the Town of Castle Rock for review. The SDP shall be submitted to the Town of Castle Rock for review. The SDP shall be submitted to the Town of Castle Rock for review.

**SECTION 4
DEFINITIONS**

In addition to the definitions found in Title 17 of the Zoning Code, the following definitions of terms shall apply to this planned development. If any conflict shall arise, these definitions shall govern.

4.1 **Age Restricted Housing** is defined by the Housing for Older Act (HOPA) of 1995 as housing which has been approved by the Town of Castle Rock for use by persons aged 62 years of age or older. It shall be designed as a separate structure or as a portion of a structure (1) housing fifty-five (55) years of older.

4.2 **Assisted Living for Seniors** is defined as housing for residential dwelling, including but not limited to, a building, structure, or facility, which provides for the care and supervision of residents who are aged 62 years of age or older. These include eating, dressing, bathing, transferring, toileting and assistance with activities of daily living. These include eating, dressing, bathing, transferring, toileting and assistance with activities of daily living. These include eating, dressing, bathing, transferring, toileting and assistance with activities of daily living. These include eating, dressing, bathing, transferring, toileting and assistance with activities of daily living.

4.3 **Independent Living for Seniors** shall mean non-assisted individual dwellings (both single family and multi-family residences) for seniors, age restricted to those fifty-five (55) years and older. There will be on-site services available for residents including, but not limited to, meal services, laundry, housekeeping, maintenance, and other services. This includes community/multipurpose facilities for social gatherings, club, and other informal social uses.

4.4 **Riser to Area Ratio (R/A Ratio)** shall mean the ratio of the project's total gross floor area of the improvements to the size of the land.

4.5 **Building Height** shall mean as average finished grade to highest point on pitched roof, excluding chimneys and antennas.

4.6 **Setbacks** shall mean the horizontal distance between a building or structure and a platted lot line (including ROW and PD boundary lines). This distance shall include the projections of eaves, overhangs, porches, patios, decks, fire escapes, balconies, porches, or similar architectural features that project above the ground surface. PD boundary lines, see also any Open Space Tract.

**SECTION 5
PERMITTED USES**

5.1 **MF-54 Multi-Family Apartment Building for 55+ residents - Maximum 32 apartment.**

A. Permitted Uses

1. Age restricted multi-family dwelling units

2. Assisted Living for Seniors - Maximum 32 residential units

3. Open Space Areas

A. Permitted uses

1. Assisted Living for Seniors

2. Open Space Areas for use by apartment and elderly residents, which includes walking paths with benches and drinkable water

3. Permitted Uses:

a. Park benches

b. Natural terrain and trees

c. Natural terrain and trees

d. Detention ponds

4. Parking lot use not permitted in Open Space

**SECTION 6
DEVELOPMENT STANDARDS**

6.1 **Overall Project Standards**

The zoning requirements of Chapter 17 of the Town of Castle Rock Municipal Code, including but not limited to, setbacks, building height, and other standards, shall apply to all improvements on the site, except as set forth in Subsection 6.2. Any proposed improvements shall meet the requirements of Chapter 17 of the Town of Castle Rock Municipal Code.

**SECTION 7
ACCESSORY USES**

7.1 **Permitted Uses**

1. Entertainment, TV lounge and living room, multipurpose room/social/gathering area(s) with small residential style kitchenette and adjacent storage room, and fitness room with exercise equipment

2. Home operations subject to Town of Castle Rock Municipal Code 17.5.2.10 (excluding in-home Daycare)

3. Public Utilities

4. Recreational bike paths, pedestrian trails

5. Recreational facilities

6. Wireless cellular facilities

**SECTION 8
ACCESSORY USES**

Accessory Use	55+ Senior Residences	MF-54	Assisted Living for Seniors
1. Entertainment, TV lounge and living room, multipurpose room/social/gathering area(s) with small residential style kitchenette and adjacent storage room, and fitness room with exercise equipment	Y	Y	Y
2. Home operations subject to Town of Castle Rock Municipal Code 17.5.2.10 (excluding in-home Daycare)	Y	Y	Y
3. Public Utilities	Y	Y	Y
4. Recreational bike paths, pedestrian trails	Y	Y	Y
5. Recreational facilities	Y	Y	Y
6. Wireless cellular facilities	Y	Y	Y

ZONING REGULATIONS

SITE: ALEXANDER PLACE

FOR: MARTINEZ REAL ESTATE COMPANY, LLC
599 TOPEKA WAY
CASTLE ROCK, CO 80104

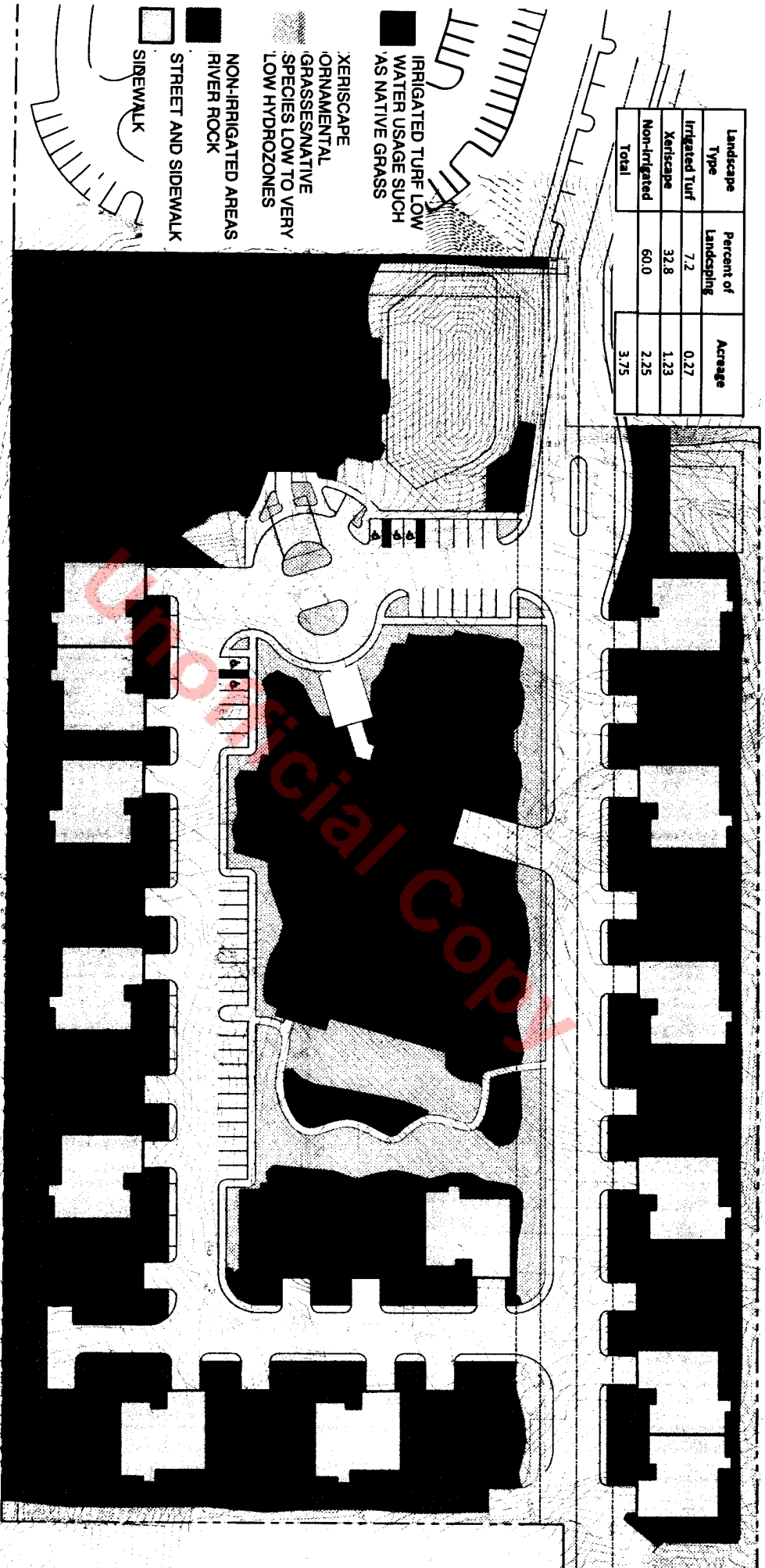
REVISIONS

NO.	DATE	DESCRIPTION
1	06/27/2019	Initial Release
2	06/27/2019	Final Release

APPENDIX III – LANDSCAPE CONCEPT PLAN

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Landscape Type	Percent of Landscaping	Acreage
Irrigated Turf	7.2	0.27
Xeriscape	32.8	1.23
Non-Irrigated	60.0	2.25
Total		3.75



IRRIGATED TURF LOW WATER USAGE SUCH AS NATIVE GRASS

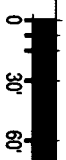
XERISCAPE ORNAMENTAL GRASSES/NATIVE SPECIES LOW TO VERY LOW HYDRIZONES

NON-IRRIGATED AREAS RIVER ROCK STREET AND SIDEWALK SIDEWALK

CASTLE ROCK SENIORS DEVELOPMENT - SITE PLAN - OPTION I Rev.2

SCALE: 1/80
April 27, 2018

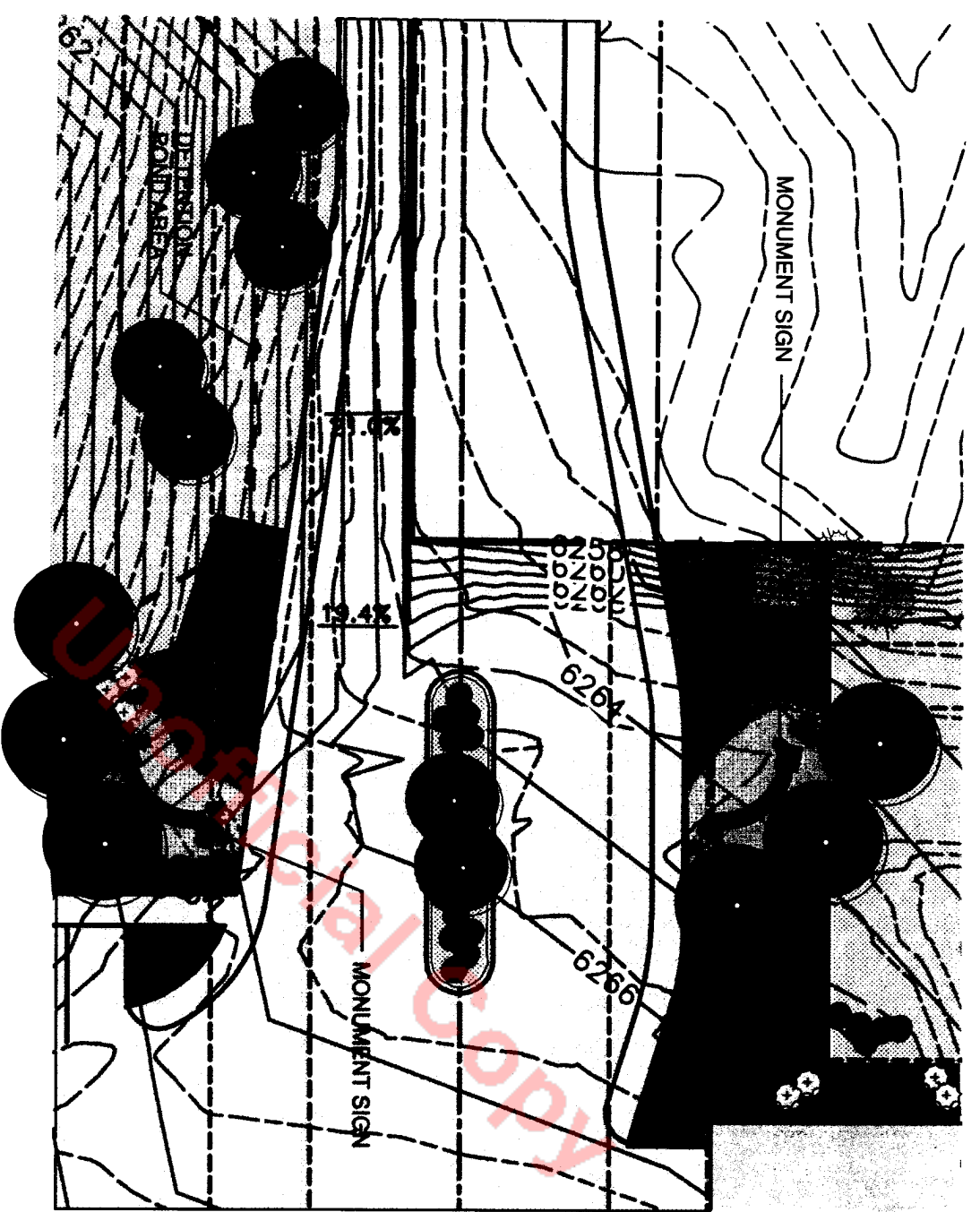
TOTAL COTTAGES : 26
TYPE A : 12
TYPE B : 14



120'



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2020 West 10th Street, Suite 101
Portland, OR 97201-1041 | phone@sbarch.com

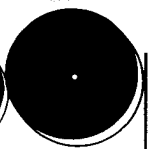
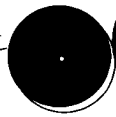











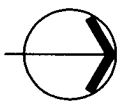
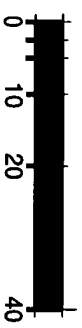
CASTLE ROCK SENIORS DEVELOPMENT - LANDSCAPE ENTRY PLAN

SCALE: 1:20
August 28, 2019

Drought tolerant, xeriscape plant species that are native to the region and suitable to this climate shall be used. The design shall utilize water conservation. Turf shall be used only up to the maximum of 3,000 SF if 3 shade trees are provided. Deciduous trees shall similarly be used only as accents or for shade. Landscaping surrounding the development signage may include shade trees and low, to very low water usage plants to create a low maintenance variety of plant materials. As such, ornamental plants, planting beds and non-organic landscape designs may be introduced near the site entry.

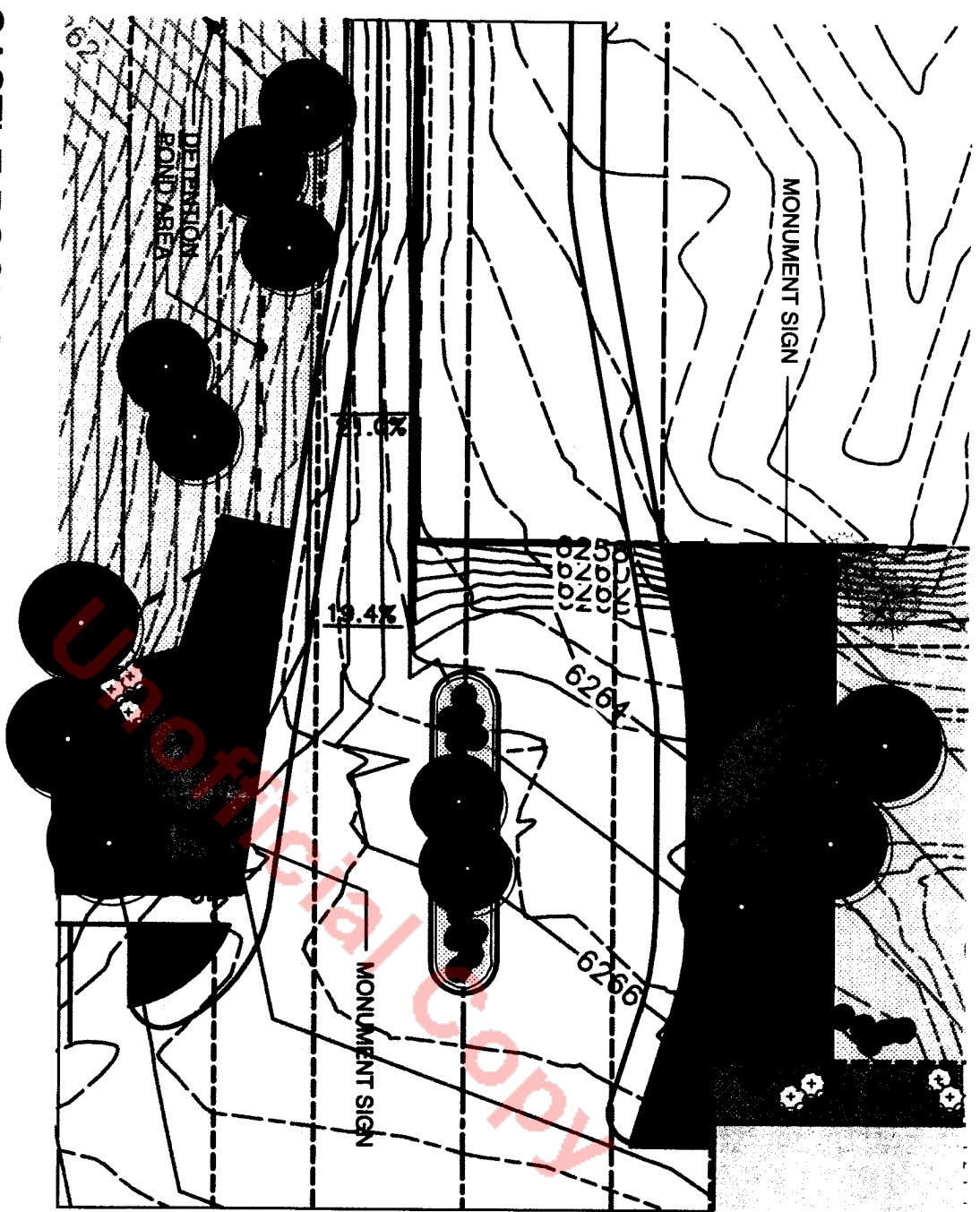
LEGEND

-  DECIDUOUS CANOPY/SHADE TREE
-  DECIDUOUS ORNAMENTAL TREE (LOW WATER)
-  EVERGREEN TREE (LOW WATER)
-  DECIDUOUS SHRUBS (LOW WATER)
-  EVERGREEN SHRUBS (LOW WATER)
-  ORNAMENTAL GRASSES (LOW WATER)
-  RIVER ROCK MULCH WITH PERENNIALS AND ROCK FORMATIONS
-  NATIVE GRASSES (LOW WATER)
-  LOW TO VERY LOW WATER USAGE ORNAMENTAL PLANTS
-  IRRIGATED LAWN (LOW WATER)
-  CONCRETE PAVING



% of materials:			
Irrigated Turf:	16,500 SF	100%	
Monument Sign/Pavement:	2,995 SF	18%	
Ornamental Plants:	7,100 SF	43%	
Native Grasses:	800 SF	5%	
Non-irrigated landscape material:	5,100 SF	31%	
	505 SF	3%	



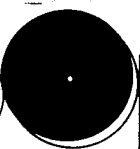












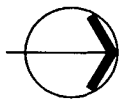
CASTLE ROCK SENIORS DEVELOPMENT - LANDSCAPE ENTRY PLAN

SCALE: 1:20
July 2, 2019

Drought tolerant, xeriscape plant species that are native to the region and suitable to this climate shall be used. The design shall utilize water conservation. Turf shall be used only up to the maximum of 3,000 SF if 3 shade trees are provided. Deciduous trees shall similarly be used only as accents or for shade. Landscaping surrounding the development signage may include shade trees and low, to very low water usage plants to create a low maintenance variety of plant materials. As such, ornamental plants, planting beds and non-organic landscape designs may be introduced near the site entry.

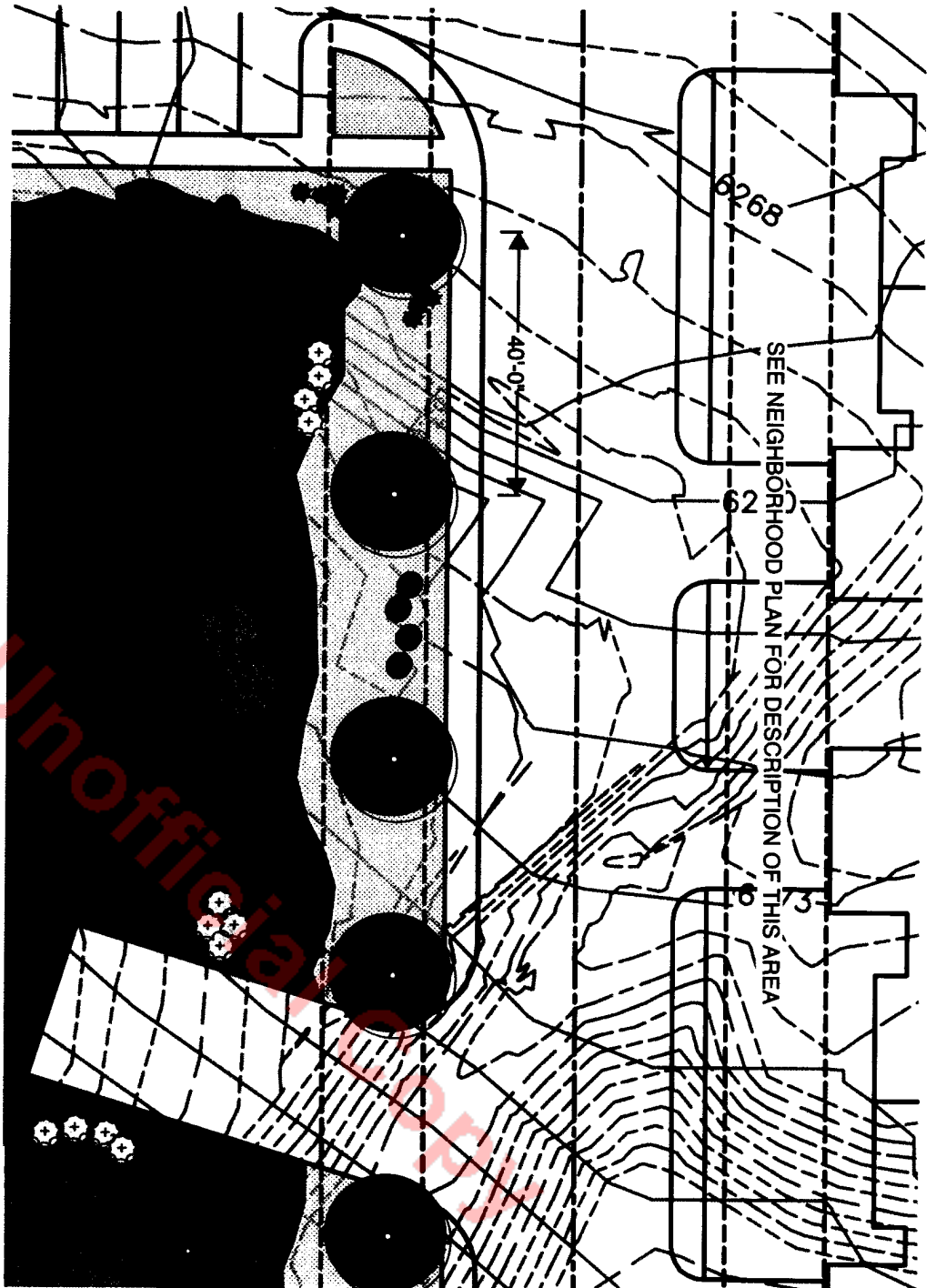
LEGEND

-  DECIDUOUS CANOPY/SHADE TREE
-  DECIDUOUS ORNAMENTAL TREE (LOW WATER)
-  EVERGREEN TREE (LOW WATER)
-  DECIDUOUS SHRUBS (LOW WATER)
-  EVERGREEN SHRUBS (LOW WATER)
-  ORNAMENTAL GRASSES (LOW WATER)
-  RIVER ROCK MULCH WITH PERENNIALS AND ROCK FORMATIONS
-  NATIVE GRASSES (LOW WATER)
-  LOW TO VERY LOW WATER USAGE ORNAMENTAL PLANTS
-  LOW HYDROZONE STREETSIDE AND ENTRANCE TURF USING LESS THAN 10" OF WATER PER GROWING SEASON - NATIVE BLEND
-  CONCRETE PAVING



% of materials:	16,500 SF	100%
Irrigated Turf:	2,995 SF	18%
Monument Sign/Pavement:	7,100 SF	43%
Ornamental Plants:	800 SF	5%
Native Grasses:	5,100 SF	31%
Non-irrigated landscape material:	505 SF	3%





LEGEND

DECIDUOUS CANOPY/SHADE TREE WITH 1 TREE EVERY 40' AND 4 SHRUBS PER TREE (O) ORNAMENTAL GRASSES)

DECIDUOUS ORNAMENTAL TREE (LOW WATER)

EVERGREEN TREE (LOW WATER)

DECIDUOUS SHRUBS (LOW WATER)

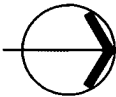
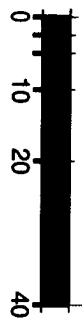
EVERGREEN SHRUBS (LOW WATER)

ORNAMENTAL GRASSES (LOW WATER)

RIVER ROCK MULCH WITH PERENNIALS AND ROCK FORMATIONS

NATIVE GRASSES (LOW WATER)

CONCRETE PAVING



CASTLE ROCK SENIORS DEVELOPMENT - STREETSCAPE CONCEPT PLAN

SCALE: 1:20
MARCH 31, 2019

Drought tolerant, xeriscape plant species that are native to the region and suitable to this climate shall be used. The design shall utilize water conservation. Turf shall be used only as accents along walkways for water conservation and character. Deciduous trees shall similarly be used only as accents or for shade. Landscaping along the streetscape shall include shade trees at 40' O.C. with 4 shrubs per shade tree. Shrubs may be interpreted also as ornamental grasses. All shrubs shall be low water usage.



APPENDIX IV – CALCULATIONS

Unofficial Copy

- b. Sites required to prepare a Landscape plan by either the Jurisdiction or the District. For all new Connections on Sites required to prepare a Landscaping plan by either the Jurisdiction or the District, the Exterior Water Demand Calculation shall be the Estimated Total Water Use plus 0.01 Acre-Foot. Any modification to the Landscaping that results in an Intensification of Use shall require a water budget adjustment through Castle Rock Water
- c. Sites with Jurisdiction Landscaping Restrictions. For all new Connections on Sites where native Landscaping is a requirement of and enforced by the Jurisdiction, the Exterior Water Demand Calculation shall be the Estimated Total Water Use plus 0.01 Acre-Foot. Any modification to the Landscaping that results in an Intensification of Use shall require a Water Permit. The native Landscaping requirement shall be a recorded covenant on the title of the property or other deed restriction enforceable by the District. The recorded covenant or deed restriction shall provide notice to each subsequent owner that any change of Landscaping may constitute an Intensification of Use which may result in collection of additional Capacity Fees and debits to a Jurisdiction's Allocation or Water Entitlement.
- d. Sites utilizing rainwater storage as a component in an Irrigation System. For all new Connections on Sites where rainwater storage is included as a source of water supply for an Irrigation System, the Estimated Total Water Use as determined by the Landscaping plan shall be reduced by the available Rainwater Harvesting Capacity. Any modification to the Landscaping that results in an Intensification of Use shall require a Water Permit. An additional 0.01 Acre-Foot of water from the Water Distribution System shall be added for outdoor water uses other than irrigation.

Sites utilizing rainwater storage as a component in an Irrigation System shall have Landscape water use restricted by a recorded covenant on the title of the property or other deed restriction enforceable by the District. The recorded covenant or deed restriction shall provide notice to each subsequent owner that failure to maintain and utilize the rainwater storage component of the Irrigation System shall constitute an Intensification of Use which may result in collection of additional Capacity Fees and debits to a Jurisdiction's Allocation or Water Entitlement and/or other enforcement actions.

- 6. Calculating Adjusted Water Use Capacity
 - a. Each fixture unit shall have a value of 0.01 Acre-Foot of water.
 - b. Water use calculations shall be rounded to the third decimal place.

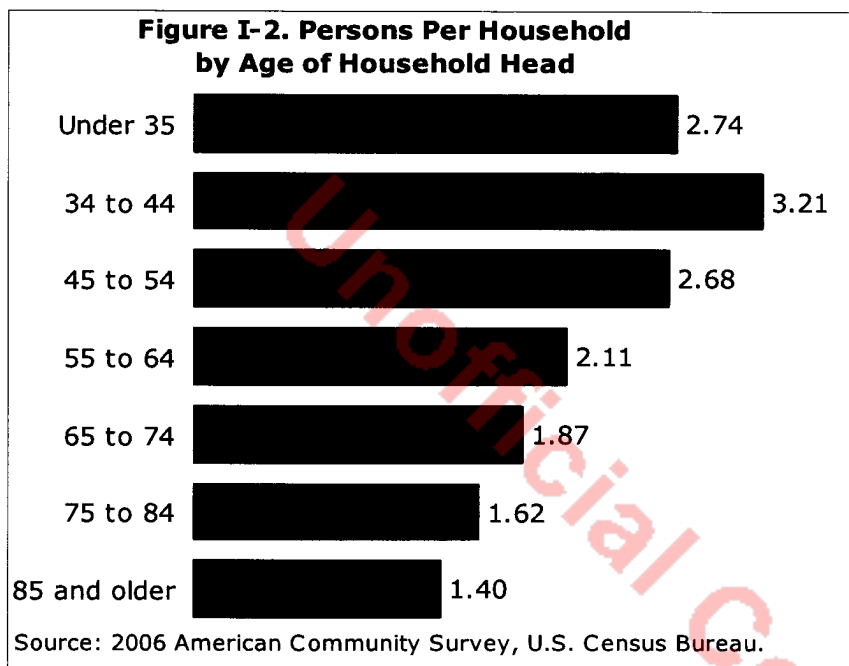
Table A1-1. Persons Per Household by Age of Household Head and by State

State	Age of Household Head						
	Under 35	34 to 44	45 to 54	55 to 64	65 to 74	75 to 84	85 and older
Alabama	2.57	3.15	2.53	2.05	1.86	1.60	1.44
Alaska	2.84	3.25	2.72	2.06	2.08	1.92	1.71
Arizona	2.31	3.27	2.64	2.11	1.90	1.66	1.46
Arkansas	2.91	3.17	2.43	2.06	1.82	1.59	1.43
California	1.96	3.42	2.91	2.33	1.97	1.70	1.46
Colorado	2.62	3.13	2.53	1.98	1.81	1.59	1.34
Connecticut	2.63	3.23	2.77	2.10	1.87	1.66	1.38
Delaware	2.70	3.23	2.67	2.00	1.86	1.63	1.38
District of Columbia	2.03	3.28	2.03	1.92	1.87	1.67	1.61
Florida	2.68	3.08	2.62	2.08	1.87	1.61	1.42
Georgia	2.73	3.09	2.61	2.10	1.89	1.65	1.41
Hawaii	2.92	3.30	2.97	2.57	2.46	2.34	2.04
Idaho	2.90	3.43	2.60	2.03	1.82	1.68	1.52
Illinois	2.71	3.26	2.75	2.15	1.86	1.62	1.34
Indiana	2.78	3.22	2.57	2.02	1.81	1.56	1.37
Iowa	2.66	3.23	2.49	1.98	1.78	1.49	1.30
Kansas	2.68	3.28	2.58	2.00	1.81	1.60	1.30
Kentucky	2.71	3.03	2.44	1.99	1.80	1.60	1.34
Louisiana	2.83	3.17	2.62	2.13	1.93	1.66	1.46
Maine	2.62	2.98	2.46	1.95	1.76	1.56	1.25
Maryland	2.60	3.16	2.73	2.15	1.90	1.65	1.50
Massachusetts	2.49	3.17	2.80	2.08	1.82	1.59	1.37
Michigan	2.70	3.25	2.63	2.06	1.83	1.58	1.36
Minnesota	2.60	3.24	2.62	2.03	1.77	1.50	1.32
Mississippi	2.92	3.21	2.57	2.11	1.94	1.61	1.48
Missouri	2.71	3.18	2.56	2.00	1.81	1.58	1.33
Montana	2.64	3.19	2.49	2.04	1.77	1.50	1.23
Nebraska	2.70	3.30	2.69	2.01	1.73	1.52	1.26
Nevada	2.91	3.15	2.58	2.06	1.84	1.71	1.58
New Hampshire	2.54	3.15	2.62	2.06	1.83	1.58	1.27
New Jersey	2.71	3.30	2.98	2.25	1.93	1.63	1.41
New Mexico	2.86	3.07	2.55	2.06	1.88	1.72	1.50
New York	2.62	3.16	2.81	2.23	1.88	1.62	1.42
North Carolina	2.63	3.09	2.50	2.03	1.81	1.59	1.42
North Dakota	2.42	3.11	2.47	2.04	1.66	1.49	1.34
Ohio	2.69	3.17	2.56	2.02	1.86	1.56	1.34
Oklahoma	2.80	3.20	2.47	1.98	1.84	1.59	1.34
Oregon	2.70	3.14	2.46	2.00	1.82	1.63	1.33
Pennsylvania	2.58	3.16	2.67	2.05	1.81	1.57	1.35
Rhode Island	2.59	3.08	2.69	2.06	1.83	1.61	1.37
South Carolina	2.67	3.08	2.54	2.10	1.88	1.65	1.45
South Dakota	2.66	3.28	2.63	1.91	1.78	1.57	1.28
Tennessee	2.73	3.08	2.51	2.04	1.80	1.59	1.42
Texas	2.89	3.34	2.75	2.21	1.94	1.70	1.45
Utah	3.21	3.97	3.11	2.32	2.06	1.73	1.46
Vermont	2.56	3.10	2.48	2.01	1.87	1.56	1.30
Virginia	2.58	3.08	2.64	2.09	1.89	1.63	1.42
Washington	2.65	3.10	2.62	2.03	1.77	1.59	1.40
West Virginia	2.74	3.12	2.44	2.03	1.81	1.58	1.34
Wisconsin	2.61	3.21	2.57	1.97	1.77	1.55	1.25
Wyoming	2.64	3.29	2.42	1.98	1.83	1.50	1.31
U.S.	2.74	3.21	2.68	2.11	1.87	1.62	1.40

Source: 2006 American Community Survey, Census Bureau.

infrastructure requirements or impact fees that are set at levels that are excessive, given the nature of 55+ communities.

55+ communities differ from traditional housing in a number of ways. One difference is simply household size, or the number of persons expected to occupy each residence. Census statistics show that average household size decreases with age, especially after age 45, and is below two persons per household for households over age 65 (Figure I-2). A similar pattern exists in virtually every state, with the exception of Hawaii (Table A1-1 in Appendix 1).



Other important differences associated with 55+ housing also exist, such as low demand for public education or parking space, and a low volume of traffic on local streets during rush hours. In order to obtain approval for 55+ communities without unnecessary delays, it would be helpful if developers had access to information that quantified these differences in a clear and concise way. The purpose of this study is to provide such information.

The study by itself will not ensure that a particular 55+ project is approved. Developers still need to make the case to local planning boards and councils that a specific project is appropriate and desirable in a specific community. This study is designed to provide supporting data that will be useful in such a situation.

The study is organized by local government budget line items in the order they appear when reported by the Governments Division of the U.S. Census Bureau. The first chapter deals with the impacts of 55+ housing on local government revenue; chapters 2 through 6 cover expenses for providing the public services that tend to be most commonly discussed in the context of 55+ housing.

TABLE 2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Auto Uses	Retail	Warehouse	Dental Clinic	Office	Bank	Supermarket
Church	Nail Salon	Family Grocery	Medical Clinic	Wine Tasting Room	Fast Photo	Convenience Store
Dry Cleaner (No On-Site Laundry)			Veterinary Clinic	School	Gym	

Group II 0.0002 AF/SF

Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Pizza must be served on reusable platters or on disposable plates. Glassware may be used to serve beverages.

Bakery	Pizza	Coffee House	Ice Cream Shop	Dry Cleaner (On-Site Laundry)
Catering	Deli	Bistro	Sandwich Shop	

Group III

Assisted Living (more than 6 beds) ¹	0.085 AF/Bed
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dormitory ²	0.040 AF/Room
Laundromat	0.2 AF/Machine
Meeting Hall/Banquet Room	0.00053 AF/SF
Motel/Hotel/Bed & Breakfast	0.1 AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
Irrigated Areas beyond ten feet of any building	ETWU
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Restaurant (including Bar/Brewpub Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the "Standard Exterior Seat Allowance" ³	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the "Standard Exterior Seat Allowance"	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer's Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

Group IV - MODIFIED NON-RESIDENTIAL USES

Users listed in this category have reduced water Capacity from the types of uses listed in Groups I-III and have received a Water Use Credit for modifications. Please inquire for specific property information.

All New Connections: Refer to Rule 24-B, Exterior Non-Residential Water Demand Calculations

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as "other" and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site.

¹ Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.

² Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table 2

³ See Rule 24-B-1 and Rule 25.5 for information about the "Standard Exterior Seat Allowance".

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/13); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016)

APPENDIX V – VERIFICATION CHECKLIST INDOORS

Unofficial Copy

Water Efficiency Verification Checklist Indoor Standards

Lot Number/Address: _____

All indoor fixtures and appliances must comply with standards listed in the current approved version of the water efficiency plan.

Summary of Proposed Fixtures and Appliances.

Complete the information on water demand and the make/model for each fixture and appliance that will be installed.

Room	Fixture/Appliance	Water Demand	Make/Model
Kitchen	Sink Faucet	gal/minute	
	Dishwasher	gal/cycle	
Bathroom 1	Toilet	gal/flush	
	Sink Faucet(s)	gal/minute	
	Showerhead	gal/minute	
Bathroom 2	Toilet	gal/flush	
	Sink Faucet(s)	gal/minute	
	Showerhead	gal/minute	
Bathroom 3	Toilet	gal/flush	
	Sink Faucet(s)	gal/minute	
	Showerhead	gal/minute	
Laundry	Sink Faucet	gal/minute	
	Clothes Washer	gal/cycle/cubic foot	
Other	Hot Water Recirculation Unit		
Other	Whole House Flow Monitoring System		

Is a 5/8-inch tap being requested? (Yes/No):

CERTIFICATION

I hereby certify that the above information is true and accurate. I understand that the falsification of any information on this submittal may disqualify me from completing or performing future work related to The Lanterns development in Castle Rock, CO.

Builder Signature: _____ Date: _____

Printed Name/Company: _____

APPENDIX VI – VERIFICATION CHECKLIST OUTDOORS

Unofficial Copy

Water Efficiency Verification Checklist Outdoor Standards

Lot Number/Address: _____

Lot Size: _____

Landscape Design

The design guidelines for outdoor uses were developed to limit the use of irrigated turf and reduce overall outdoor water demands. The maximum turf area and total outdoor water demand are restricted based on lot size in square feet (sf) as shown in **Table 1** below. In no case shall maximum turf areas exceed the limits of this Water Efficiency Plan or the maximum allowed under the Town's Landscape and Irrigation Performance standards and Criteria. Turf grass type shall be low to moderate water using turf per Section 6 in the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria.

Table 1. Turf Limitations by Lot Size.

Lot Size	Turf Limitation (% of lot)
7,000 sq ft or less	30% (not to exceed 2,100 sq ft)
7,001 – 17,000 sq ft	20% (not to exceed 3,400 sq ft)
Over 17000 sq ft	20% (not to exceed 5000 sq ft)

Proposed landscape plans must be summarized as specified in Table 2 below. The Town of Castle Rock approved plant list shall be used to classify selected plants into the appropriate Irrigated Water Use Zone. Landscape plans must be submitted to document compliance with the turf limitations from Table 1.

Table 2. Landscape Irrigation Demands.

Irrigated Water Use Zone	Size of Zone
Moderate	_____sf
Low	_____sf
Total	_____sf

Does landscape plan comply with turf limitation? (Yes/No): _____

Type of turfgrass is _____

Does this comply with the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria which requires a lower water requiring turf?

Irrigation System Design

Automatic irrigation system controllers shall be approved by the Town, and be weather based (ET) or soil-moisture based, that automatically adjust irrigation in response to changes in the plants' needs as weather conditions or soil moisture changes. All equipment must comply with the standards listed in the current version of approved Water Efficiency Plan. Design requirements are subject to change as reflected in updated EPA WaterSense Program details and Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria.

Table 3. Proposed Irrigation System Equipment.

Device	Make/Model
Smart Controller	
Fixed Spray Heads	
Rotor Heads	
Drip Emitters	
Master Valve	
Flow Sensor	
Rain Sensor	

CERTIFICATION

I hereby certify that the above information is true and accurate. I understand that the falsification of any information on this submittal may disqualify me from completing or performing future work in Castle Rock, CO.

Builder Signature: _____ Date: _____

Printed Name/Company: _____

Landscape Designer Signature: _____ Date: _____

Printed Name/Company: _____

Irrigation Designer Signature: _____ Date: _____

Printed Name/Company: _____

Exhibit 4

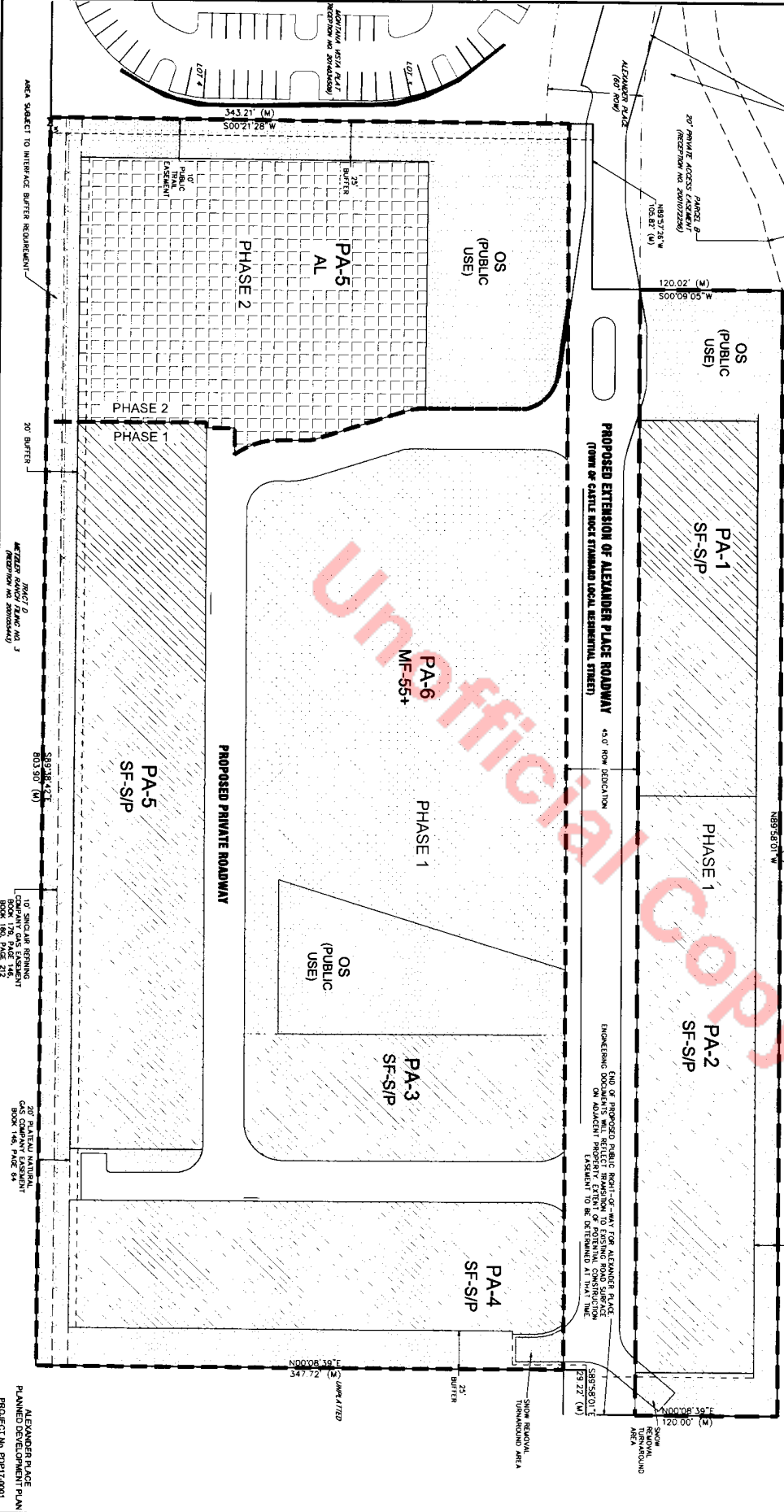
XHIBIT 4

**ALEXANDER PLACE
PLANNED DEVELOPMENT PLAN & ZONING REGULATIONS**
LOCATED IN THE NORTH ONE-HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST,
OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO
TOWN OF CASTLE ROCK PROJECT NO.: PDP17-0001

LEGEND

- OS (PUBLIC USE)
- SF-SIP
- AL
- MF-SS+
- PA-5
- PA-6
- PA-1
- PA-2
- PA-3
- PA-4

- GENERAL NOTES**
- STREETS AND ACCESS POINTS ARE CONFORMANT WITH THE NATURAL DRAINAGE PATTERNS AND SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE TOWN OF CASTLE ROCK DESIGN AND SPECIFICATIONS MANUAL, 2012.
 - PLANNING MEASURES ARE REQUIRED FOR CIRCULAR, PROPOSED AND ANY CHANGE IN SIZE SO LONG AS THE PROPOSED MEASURES MEET THE REQUIREMENTS OF THE RESIDENTIAL/PIONEERS/RESIDENTIAL INTERFACED REGULATIONS MANUAL, 2012.
 - ADJUSTMENTS TO THIS PLANNING PLAN MAY BE APPROVED BY THE TOWN OF CASTLE ROCK BOARD OF APPOINTED MEMBERS.
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<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>06/20/2018</td> <td>ISSUED FOR PERMITTING</td> </tr> <tr> <td>2</td> <td>06/20/2018</td> <td>ISSUED FOR PERMITTING</td> </tr> <tr> <td>3</td> <td>06/20/2018</td> <td>ISSUED FOR PERMITTING</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1	06/20/2018	ISSUED FOR PERMITTING	2	06/20/2018	ISSUED FOR PERMITTING	3	06/20/2018	ISSUED FOR PERMITTING	<p>PLANNED DEVELOPMENT PLAN</p> <p>SITE: ALEXANDER PLACE</p> <p>FOR: MARTINEZ REAL ESTATE COMPANY, LLC 599 TOPEKA WAY CASTLE ROCK, CO 80104</p>	<p>www.r&r-engineers.com</p> <p>R&R ENGINEERS-SURVEYORS, INC. 710 WEST COLFAX AVENUE DENVER, COLORADO 80204 PHONE: 303-753-6730</p>
NO.	DATE	DESCRIPTION													
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