

June 18, 2005

Subdivision Development Policy

The Crystal Lakes Road and Recreation Association, hereafter the Association, appreciates the opportunity to review the proposed subdivision preliminary plan. Although the proposed development is not an area which was included in the Master Plan for Crystal Lakes subdivision, the Association's Board of Directors has decided to consider including it as part of Crystal Lakes and to assume full responsibility for services presently provided within the original 15 filings of Crystal Lakes, and any other annexed subdivisions, if certain conditions are met. All following comments and conditions are based upon the proposed subdivision becoming a part of Crystal Lakes. Should future plans lead to the subdivision not becoming a member of Crystal Lakes Road & Recreation Association, the Association requests the opportunity to address several concerns, which will become necessary in order to properly consider our relationship to a neighboring but unrelated subdivision. These concerns center largely around privacy issues which will be critical to the foundation upon which the Crystal Lakes community has been built.

The following comments are divided into two parts. Part I includes discussion of factors which are essential to the Association's assuming responsibility for the subdivision, and Part II includes discussion of areas which are of concern to the Association but not necessarily essential for Association participation.

Part I: Essential considerations for the Association to assume responsibility for providing services to a new development and including that new subdivision as part of Crystal Lakes.

- A. PLANT INVESTMENT FEE: The Association has been operational since 1969 and has invested in and owns assets, which support and/or perform the services necessary to operate the subdivision. These assets were purchased by and belong to the past and present members of the Association, the property owners of Crystal Lakes. The audited undepreciated value of these assets as of May 31, 2004, equates to \$813.00 per present Crystal Lakes membership. Additionally the Association's membership paid the \$20,000.00 necessary to form the Crystal Lakes Fire Protection District, which began to operate in December 1995; and donated \$48,000.00 of equipment and fire trucks to the District. The members of adjacent developments contributed nothing toward these costs, which equate to over \$40.00 per membership. The owners of adjacent developments have, however, paid property taxes to the District since its formation and will pay property taxes on the proposed new plattings. The Crystal Lakes Fire Protection District will independently address their policy and/or needs regarding a Plant Investment Fee. Please also refer to any policy submitted by the Crystal Lakes Fire Protection District.

The Association will require that each lot in the newly developed subdivision pay a Plant Investment Fee of \$850.00 on a schedule as discussed below.

B. IMPACT FEES:

- (1) Administration & Operations: The Association presently operates with a staff of 7 full time employees who are supplemented by part-time employees during peak periods. The impact that a new development will have upon the need for additional staff and administrative services is difficult to determine; however, it is certain that a new subdivision will not be taken on without some impact. The funds to deal with the need for additional administrative services and personnel requirements will be provided when the lots in the development are sold and the new members begin to pay annual assessments similar to those paid by present members. However, during the time delay between preliminary Plat approval, final Plat approval, and property sales (assessments being paid) there will be an impact that is not funded. The Association will require that the developer(s) pay a \$75.00 per lot administrative Impact Fee upon preliminary plat approval.
- (2) Long Term Impact and Open Space: Perhaps one of the hardest areas to evaluate is what long-term impact the additional new memberships will have upon the Association. This impact is particularly difficult to determine in the areas of recreation and use of open space, such as hiking trails and cross-country ski trails. Funding has never been adequate to improve and develop the Crystal Lakes recreational and open space resources and the additional impact of this subdivision will only challenge the situation more. Most other operational requirements will be funded as the needs arise through sale of the property and payment of assessments; however, development, improvement, and management of recreational facilities and open space (existing Parks and Greenbelts in the present 15 filings) will remain unfunded.

The Association continues to participate in a forest health and wildfire hazard reduction project, which was prepared by William Olsen from Advanced Forestry for management of the common areas (Greenbelts) of the 12th and 15th Filings. The Association has dedicated funds for this proposal as well as performing on-going efforts to meet the fire mitigation standards of a Firewise Community. The Association is asking for a \$160.00 per lot Impact Fee from each new lot and will dedicate these funds for use to develop and improve recreational opportunities and to provide greenbelt management.

Perhaps this may be the time to mention an area that concerns the Association. Presently each applicant for a residence building permit in the County (Crystal Lakes and the proposed subdivision included) pays a \$515.00 Parks Fee to the County. Is it possible that a portion of these funds could be allocated to development of park and recreational activities in the Red Feather and Crystal Lakes area? This fee will potentially produce \$570 thousand dollars as the present filings of Crystal Lakes develop. Thousands of dollars can be expected from additional subdivision development. The Association would support development of parks in the Crystal Lakes area.

- (3) Road Impact Fees: The Association will be responsible for the maintenance of the roads to and through the proposed subdivision; however, the Association will not be required to assume road maintenance in the proposed subdivision until all lots therein are sold, but in no event prior to the expiration of the Developer warranty on the roads. The Developer shall be responsible to see that all roads in the proposed subdivision are built to a minimum standard as set forth in Appendix G of the Larimer County Land Use Code as amended at any time prior to the construction of the roads.

Because of the substantial financial impact on the Association of maintaining the additional roads in the proposed subdivision, an annual Road Impact Fee of \$265.00 shall be paid. The Developer shall see that this fee is first paid at the time of sale of each lot in the proposed subdivision. Annually the owner of the lot shall pay the Road Impact Fee, which may be revised by the CLRRRA Board of Directors annually.

The Association is also concerned with the "Road Impact Fee" which has been imposed by Larimer County as of February 15, 1999, upon all applicants for residential building permits in rural Larimer

County. This fee will potentially produce over 2.0 million dollars as the present filings of Crystal Lakes develop and, again, thousand of dollars from additional subdivisions. The above mentioned park fees and these road improvement fees may be necessary in order to support future development within Larimer County; however, the Association wishes to note, in support of its membership, that these fees will have a greater potential impact upon the Crystal Lakes development than upon any other area in Larimer County. These facts remain particularly disconcerting when the Association, due to necessity, continues to provide snow removal services upon 2.0 miles of County Road 180, without authorization, even after submitting two (2) written requests to the County Commissioners to address these concerns, and being given no acceptable solution. It is equally disconcerting that as we continue to exist at the end of the flow of County Services, that the county snow plows often plow to the Red Feather Lakes school and then turn back down CR 73C and CR 74E, only to much later return to plow the remaining 5.5 miles of CR 73C and never touch the 2.0 miles of CR 180. Although these comments are not directly related to proposed subdivision development of adjacent areas, they emphasize the need to assure reciprocal Larimer County funding and services to this Crystal Lakes area.

- C. TRANSFER FEES: The above discussed impact fees and plant investment fees are in addition to the standard transfer fee collected upon the sale of any property located within Crystal Lakes. A transfer fee is collected on all sales, not just the initial sale. The current transfer fee is \$150.00 to the Road and Recreation Association.
- D. TIMING OF PAYMENT OF FEES AND ASSESSMENTS: As discussed in A. and B. above, the Association will require the payment of \$75.00 per lot upon preliminary plat approval. The remaining fees of \$1,425.00 per lot will be due upon closing of sale of lot or sale by contract, which allows occupation and use of the property. Annual assessments will be due and payable at the same rates charged to other Crystal Lakes property owners, payable by the Developer at the time of approval of the final plat by the Board of County Commissioners. The Road Impact Fee will be charged annually as an additional assessment per lot in the proposed subdivision because of the substantial financial impact on the Association in maintaining roads in the proposed subdivision. Services and privileges will begin upon payment of assessments. Services such as fishing privileges, trash disposal, use of showers and restrooms, etc. will begin when assessments are paid; however, road maintenance and snow removal on roads will not begin until acceptance of construction by the Association and Larimer County and following the warrantee period.
- E. PROTECTIVE COVENANTS: Since the proposed subdivision borders existing Crystal Lakes Filings, the Association requests the proposed subdivision adopt the attached Covenants, Exhibit "B". In the event that the Protective Covenants for the original 15 Filings of the Crystal Lakes Subdivision are amended and revised, the Protective Covenants of this proposed subdivision known as the _____ shall be amended in conformity to them without the vote of the Developer or lot owners in the proposed subdivision. The Association is concerned that:
 - (1) The covenants are compatible with those of the bordering properties and provide at least the minimum level of protection provided in the other Filings.
 - (2) The covenants clearly require membership in the Association and the requirement to pay annual assessments to the Association.
 - (3) The covenants include a mechanism for change to the covenants that is less stringent than that originally required in the first 15 Filings.
 - (4) The covenants include a mechanism to adopt new covenants when those are approved by the membership of the Crystal Lakes Filings 1-15.
 - (5) The covenants provide for an Architectural Control Committee that is the same committee as the committee that provides Architectural Control to the other 15 Filings of Crystal Lakes. This committee must be a committee of the Association in order to place it under the umbrella of legal services and liability insurance protection afforded by the Association. Membership of the committee will be monitored by the Association to ensure that the committee functions properly.

(6) The covenants address the fact that the roads of the proposed subdivision are private roads. Language similar to that appearing upon the plat of the adjacent Crystal Lakes Filings along with that appearing in Covenant No. 13. of the Protective Covenants may be considered appropriate.

- F. The Association assumes that the TRACTS WITHIN ANY NEW SUBDIVISION WILL BE PLATTED WITH GREENBELTS INCLUDED, including flood plains and wetlands, which would not make acceptable building sites. If the development of the proposed subdivision continues as a part of Crystal Lakes, the Association insists that these tracts be deeded to the ownership of the Association as a Greenbelt or Park area, and that the development and management of open space and fishing habitat be totally under the control of the Association.
- G. ROADS: All roads in the proposed subdivision shall be built to a minimum standard as set forth in Appendix G of Larimer County Land Use Code, as amended at any time prior to the construction of the roads. Maintenance of roads within the new subdivision will not be assumed by the Association until the end of the warranty period following the County's approval that required road construction standards have been met, all lots in the proposed subdivision are sold and all fees and assessments paid.
- H. LEGAL EXPENSES: Applicants are required to pay the direct costs incurred by the Association in conducting any legal research in addressing any new subdivision proposals.
- I. REQUIREMENTS APPEARING UPON THE PLAT: The Association requests that the above requirements be noted as required upon the Plat of the proposed subdivision.

Part II: Additional Concerns

- A. TRAFFIC on and condition of CR 73C: The Association reviewed a traffic study prepared by Matthew J. Delich, P. E. for the Pearl Creek Estates Subdivision. We share Mr. Delich's concerns in reference to the structural integrity of a chip seal road surface at the proposed level of traffic, in the climatic condition of Crystal Lakes, and with the volume of heavy truck traffic generated by development in Crystal Lakes and other proposed subdivisions.

The Association is also concerned with the safety of at least (4) four existing intersections of Crystal Lakes and North County Road 73C as traffic volume and speeds increase upon CR 73C. These intersections lack adequate sight distance for traffic to exit these Crystal Lakes roads and enter upon CR 73C. These intersections are CR 73C and Voto Way, CR 73C and Ada Court, CR 73C and Lone Pine Drive, and CR 73C and Comanche Court. The Association requests the County's assistance in bettering these intersections.

- B. ROAD NAMES WITHIN THE NEW SUBDIVISION:

- (1) The road names within the existing Crystal Lakes development are largely named after Native American tribes and/or with Native American terms. The Association encourages a similar tone for the names of roads in the new subdivision. Larimer County approval of Road and Street Names is required, and their specifications must be met.

The Association would be happy to assist the developers by providing a list of road names from which they could select preferences for submittal to Larimer County.

- (2) Developers assume expense of any necessary street name changes: If it becomes necessary to change any existing Street Names to meet County requirements, the Association requests that the developers of any new subdivision bear the expense and time involved to make these changes in road names and addresses.

C. VEHICULAR (PARTICULARLY EMERGENCY VEHICLE) ACCESS: The Association requests that consideration be given to accessing new subdivisions through a variety of routes, particularly considering emergency response access and evacuation egress. Physical Inspection of the routes should be performed to determine if the road could be easily accessed.

Conclusion: In conclusion the Association wishes to reaffirm its introductory comments concerning membership of the proposed subdivision as part of Crystal Lakes. The Association will consider inclusion of the development if all conditions are agreed to. If the subdivision is not included as part of Crystal Lakes, there will be other issues to be addressed in order to meet with adjoining neighbors unrelated to the private use areas of Crystal Lakes.

TABLE OF FEES AND ASSESSMENTS

FEE	CLRRA
Plant Investment Fee	\$ 850.00
*Impact Fee – Admin. & Ops.	75.00
Impact Fee – Open Space/Insp. Service	160.00
Annual Road Impact Fee	265.00
Transfer Fee	150.00
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SUBTOTAL	\$1,500.00
Annual Assessment (may change annually) FY 2008-2009: ***	
CLRRA Primary Lot	403.00
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TOTAL	\$1,903.00

*The Admin. & Operations Impact Fee of \$75.00 per lot is due and payable at the time of preliminary plat approval.

***Annual Assessments for each lot for the current fiscal year will be due and payable at the time the final plat is approved.

The Crystal Lakes Road & Recreation Association’s Board of Directors

Adopted June 18, 2005

Updated June 1, 2008

Updated Annually