

# EL PASO

COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)



# COUNTY

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of County Commissioners  
Mark Waller, Chair

**FROM:** Kari Parsons, Planner III  
Jeff Rice, PE Engineer III  
Craig Dossey, Executive Director

**RE:** Project File #: SF-19-018  
Project Name: Branding Iron at Sterling Ranch Filing No. 2  
Parcel No.: 52330-00-010 and 52333-01-002

OWNER:	REPRESENTATIVE:
SR Land, LLC 20 Boulder Crescent Street, Suite 102 Colorado Springs, CO 80903	M&S Civil 102 E. Pikes Peak Avenue Colorado Springs, CO 80903

**Commissioner District: 2**

Planning Commission Hearing Date:	5/19/2020
Board of County Commissioners Hearing Date	6/9/2020

## EXECUTIVE SUMMARY

A request by SR Land, LLC, for approval of a final plat for the Branding Iron at Sterling Ranch Filing No. 2 subdivision to create and authorize the development of 75 single-family lots, rights-of-way, a tract to be utilized for drainage and public utilities, and a tract to be utilized as a school site. The proposed 30.54-acre final plat area is zoned RS-5000 (Residential Suburban) and is located south of the future extension of Briargate Parkway-Stapleton Road, east of Vollmer Road and is within Section 33, Township 12 South, Range 65 West of the 6th P.M. The parcel is located within the boundaries of the Falcon Peyton Small Area Plan (2008) and the Black Forest Preservation Plan (1987).

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

The Branding Iron at Sterling Ranch Filing No. 2 final plat is consistent with the RS-5000 (Residential Suburban) zoning district and approved preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

A finding of water sufficiency for water quality, quantity and dependability is requested with this final plat application.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by SR Land, LLC, for approval of a final plat to create 75 single-family lots, two (2) tracts, and rights-of-way.

**Waiver(s):** No waivers are requested with this application.

**Authorization to Sign:** Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Consent item at the May 19, 2020 Planning Commission hearing.

**Recommendation:** Approval based on recommended conditions and notations.

**Waiver Recommendation:** N/A

**Vote:** 5 to 0

**Vote Rationale:** N/A

**Summary of Hearing:** The applicant was represented at the hearing.

**Legal Notice:** N/A

#### **C. APPROVAL CRITERIA**

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

#### **D. LOCATION**

North: RS-5000 (Residential Suburban)	Single-family residential
South: RS-5000 (Residential Suburban)	Vacant
East: RR-5 (Residential Rural)	Vacant
West: RS-5000 (Residential Suburban)	Single-family residential

## **E. BACKGROUND**

The Sterling Ranch Sketch Plan (SKP-07-007), consisting of 1,443.70 acres, was heard and approved by the Board of County Commissioners on November 18, 2008. The Sketch Plan includes 5,225 residential units, 56 acres of commercial development, 57 acres of dedicated school sites, 210 acres of parks and open space, and a two (2) acre utility site. A five (5) year expiration date was imposed on the application, which was subsequently extended via approval by the Board of County Commissioners.

The service plan for the Sterling Ranch Metropolitan Districts Nos. 1, 2, and 3 was heard and approved by the Board of County Commissioners on June 24, 2010. The Sterling Ranch Metropolitan District No. 1 will provide water and wastewater services aided by Meridian Service Metropolitan District via an intergovernmental agreement. Installation of roads within the rights-of-way, public and private drainage, and amenities within the tracts are to be constructed by the Sterling Ranch Metropolitan District No. 2. Sterling Ranch Metropolitan District No. 1 will maintain the rights-of-way and public improvements after Sterling Ranch Metropolitan District No. 2 completes construction until preliminary acceptance of the Sterling Ranch Filing No. 1 improvements by the County. Sterling Ranch Metropolitan District No. 1 will also own and maintain the private drainage facilities and other amenities within the tracts. Sterling Ranch Metropolitan District No. 3 will collect ad valorem (property) tax revenue in the amount of 50 mills for future commercial development and pay Sterling Ranch Metropolitan District No. 1 to own and maintain the tracts and private improvements within the future commercial development area.

An extension of the date of expiration of sketch plan was approved by the Board of County Commissioners on November 25, 2014, with retention of the conditions of approval and notations except Condition of Approval No. 2, which required all land within the sketch plan to be rezoned to a PUD as stated in Resolution No. 08-476. Condition No. 2 reads as follows:

“Rezoning of the property is necessary to implement the sketch plan. Staff support for the sketch plan and the finding of master plan consistency herein assumes a proposed rezoning to PUD. To the extent applicant brings forward a rezoning and preliminary plan that contemplates a zoning classification other than PUD, Development Services will consider that a material modification of the sketch plan and may require applicant to proceed forward with an amended sketch plan, which amended sketch plan process may or may not proceed simultaneously with a proposed rezoning and preliminary plan.”

Staff agreed with the action to remove Condition No. 2 to allow rezoning of the property to conventional single-family and commercial zoning with the understanding that it could still function in a manner that would preserve the open space acreage and density originally approved in the Sketch Plan. Open space tracts are shown throughout the approved preliminary plan. In addition, there is a condition on the Sketch Plan requiring the inclusion of a buffer between development within the overall Sterling Ranch and the existing residential development to the south. The Sketch Plan also depicts a 50-foot buffer adjacent to the industrial property to the west.

Map amendments (rezonings) of the property from RR-5 (Residential Rural) to RS-5000 (Residential Suburban) and CS (Commercial Service) were approved by the Board of County Commissioners on March 24, 2015. A condition of approval requiring a transition buffer along the southern property line was placed on the RS-5000 zoning. The condition states:

“Open space buffers shall be no less than what is graphically depicted on the October 2008 Amended Sketch Plan Map in subsequent rezoning and subdivision submittals. On the southern border no residence may be constructed within 100 feet, and an average building setback of 150 feet shall be maintained from the adjacent property lines.”

A preliminary plan (SP-14-015) was approved by the Board of County Commissioners on May 26, 2015. The preliminary plan included six (6) commercial lots, 457 single-family lots, 35 tracts for open space, trail corridors, drainage, and public rights-of-way. Water sufficiency was not addressed with the preliminary plan, but instead was deferred to the final plat stage. A 50-foot buffer adjacent to the industrial zoned property to the west was depicted on the preliminary plan.

The Sterling Ranch Filing No. 1 (master) plat (SF-16-013) was approved by the Board of County Commissioners on June 27, 2017. The master plat included four (4) future single-family development tracts, one (1) future commercial development tract, and 24 tracts to be utilized for open space, trail corridors, drainage, and public rights-of-way. A 50-foot buffer was platted adjacent to the industrial zoned property to the west, which is anticipated to include an opaque fence, a trail, and landscaping. Landscaping is not required under the Code within the RS-5000 zoning district; however, the applicant agreed to provide a landscape plan with the Sterling Ranch Filing No. 1 master plat. Pursuant to the applicant proposing a plat which did not include lots, a finding of water sufficiency for water quality, quantity, and dependability was not made at the time of Sterling Ranch Filing No. 1 plat. A condition of approval requires subsequent plats within the Sterling Ranch Filing No. 1 plat to obtain a finding for water quality, quantity and dependability at the time of each final plat approval.

Branding Iron at Sterling Ranch Filing No. 2 is a replat of Sterling Ranch Filing No 1 Tract K (future single-family development tract). The subject residential plat is adjacent to the Sand Creek channel. The developer has begun the pre-development site grading and installation of wet utilities within the final plat area. The plat is in conformance with the approved sketch plan, zoning, preliminary plan, and master plat.

The subject plat area will be accessed from Dines Boulevard. Dines Boulevard is planned to intersect the future Sterling Ranch Road to the south. Sterling Ranch Road Improvements are to be completed by the developer and accepted by the County. Dines Boulevard intersects with Vollmer Road and Wheatland Drive. Two points of access are anticipated to be provided as depicted on the subject plat.

The applicant has proposed to dedicate an 11.66-acre school site tract, to be known as Tract B, Branding Iron Filing No. 2, to the County for the benefit of Academy School District No. 20. The school site tract is located within the southwestern portion of the subject plat and is proposed to be accessed from Dines Boulevard.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

### **2. Zoning Compliance**

The area within the proposed final plat is zoned RS-5000 (Residential Suburban). The density and dimensional standards of the RS-5000 zoning district, as established in Section 5.4.2, Table 5-4 of the Code, are listed below:

- Minimum lot size – 5,000 square feet
- Setbacks – 25 feet from front and rear lot lines; 5 feet from side lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 40 percent\*

\*Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45% of the total lot area.

The lots included within the Branding Iron Filing No. 2 subdivision meet the minimum lot size requirement of the RS-5000 zoning district. Individual site plans will need to be submitted for review for each proposed single-family dwelling to ensure compliance with the dimensional standards.

### 3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made previously by the Board of County Commissioners with approval of the following: the Sterling Ranch Sketch Plan (SKP-07-007); the map amendment (rezone) (P-15-001) from RR-5 (Residential Rural) to RS-5000 (Residential Suburban); the map amendment (rezone) (CS-15-001) from RR-5 (Residential Rural) to CS (Commercial Service); and with the Sterling Ranch Preliminary Plan (SP-14-15). The proposed final plat application is consistent with each of those prior approvals.

### 4. Small Area Plan Analysis

The Branding Iron at Sterling Ranch Filing No. 2 Final Plat is located within both the Black Forest Preservation Plan (1987) and the Falcon Peyton Small Area Master Plan (2008) planning areas. Findings of consistency with the Black Forest Preservation Plan and the Falcon Peyton Small Area Master Plan were made with the Sterling Ranch Sketch Plan (SKP-07-007), the map amendment (rezone) (P-15-001) from RR-5 (Residential Rural) to RS-5000 (Residential Suburban), the map amendment (rezone) (CS-15-001) from RR-5 (Residential Rural) to CS (Commercial Service), and with the Sterling Ranch Preliminary Plan (SP-14-15). The proposed final plat application is consistent with each of those prior approvals.

### 5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes: better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

***Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.***

***Policy 3.6.2 – Water providers should work with neighboring entities to provide and plan for growth between their respective boundaries.***

***Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.***

It is anticipated that the proposed development will be served by the Sterling Ranch Metropolitan District. The applicant's water resource report indicates the District has ample supply of groundwater to serve this development and future

developments within the District. The District has recently received their Technical, Managerial, and Financial (TMF) Capacity number and Public Water System Identification (PWSID) from the Colorado Department of Public Health Environment (CDPHE). It is anticipated that the District will continue to serve future developments within the overall Sterling Ranch Sketch Plan area and future nearby developments, such as Retreat at TimberRidge Filing No. 1.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The adjacent Sand Creek channel and riparian corridor are proposed to be preserved via open space, drainage, and trail corridor tracts.

The El Paso County Parks Master Plan (2014) identifies a Tier One trail within the adjacent Sand Creek channel and riparian corridor. Sterling Ranch Metropolitan District No. 1 will be constructing portions of the trail along the channel within Branding Iron Filing No. 2. The remainder of the trail constructed in connection with the Sand Creek channel improvement plans is anticipated to be submitted within a year. The easements for the trails along the channel were dedicated with the recordation of Sterling Ranch Filing No. 1.

The Master Plan for Mineral Extraction (1996) does not identify any valued deposits within the final plat area. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geology and soils report, dated January 2009, was submitted by Entech Engineering, Inc., in support of the approved preliminary plan (SP-14-015) and this final plat application. The report provides a geologic hazard and constraint evaluation and preliminary geotechnical investigation of the plan area. The report identified the potentially shallow groundwater characteristics in the soil. The applicant has memorialized the need for the constraint mitigation via plat note No. 26 and graphic depiction on the plat. The report provides techniques to mitigate such hazards.

Colorado Geological Survey (CGS) staff and Planning and Community Development Department staff have worked with the applicant to identify the constraint areas, identified above, on the plat and to define appropriate mitigation



techniques that will need to be implemented in order to develop single-family lots. CGS has no objection to this plat as it pertains to the identified constraints as long as the mitigation techniques identified in the Entech Engineering report are implemented.

## **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

## **3. Floodplain**

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0533G, the property is located entirely outside of the current 100-year regulatory floodplain.

## **4. Drainage and Erosion**

The site is located within the Sand Creek Drainage Basin. This basin has been studied and drainage and bridge fees apply. The drainage and bridge fees due upon plat recordation are \$189,531.25 and \$55,628.52, respectively. The site drains generally to the south and east. The Final Drainage Report provided with this application is in compliance with the Master Development/Final Drainage Report approved with the Sterling Ranch Filing No. 1 Final Plat and the Sterling Ranch Master Development Drainage Report (MDDP). Per those reports, the overall development will provide adequate water quality and detention facilities to maintain runoff at or below historic rates using full-spectrum detention facilities.

Per the Sand Creek Drainage Basin Planning Study (DBPS), improvements to the Sand Creek channel, including grade control, bank stabilization, and detention are required with the overall Sterling Ranch development. Due to changes in criteria regarding hydrologic calculations and detention since approval of the Sand Creek DBPS, as well as developer-proposed diversions of offsite drainage through Sterling Ranch, the developer was required to provide an overall Master Development Drainage Plan (MDDP) addressing the channel and DBPS-recommended improvements to ensure that the improvements are still appropriate. Until complete channel improvements are constructed, an interim level of protection is being provided with development of the tracts within Sterling Ranch Filing No. 1, including Branding Iron at Sterling Ranch Filing No. 2, to stabilize the banks adjacent to the development at a minimum (reference Sterling Ranch Filing

No. 1 Condition of Approval No.14) which will be owned by SR Land LLC, and maintained by the District.

## **5. Transportation**

The Branding Iron at Sterling Ranch Filing No. 2 development is located southeast of the Vollmer Road and Dines Boulevard intersection. The applicant is proposing internal local urban roads accessing Dines Boulevard, which connects to Vollmer Road and, via Wheatland Drive, provides access to Briargate Parkway. The developer is also responsible for constructing improvements to Vollmer Road with Sterling Ranch Filing No. 1 and Filing No. 2. These roads will be adequate to serve Branding Iron at Sterling Ranch Filing No.2. The subdivision is subject to the County Road Impact Fee Program. The developer proposes to enter the development into Public Improvement District (PID) No. 2.

Conditions of approval on the Sterling Ranch Sketch Plan and Preliminary Plan address the overall responsibilities of the Sterling Ranch development regarding offsite transportation improvements.

The developer of Branding Iron at Sterling Ranch Filing No. 2 is proposing to construct approximately 3,200 linear feet of urban local roads within the subdivision. These roads will be accepted for County maintenance once completed to County standards.

## **H. SERVICES**

### **1. Water**

The Sterling Ranch Metropolitan District provides water service and has committed to serve the property.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

## **2. Sanitation**

Colorado Springs Utilities (CSU) provides wastewater service to the adjacent developed subdivisions within the Sterling Ranch development. CSU has committed to serve the property until August 2020. If the applicant submits an annexation agreement to the City of Colorado Springs, CSU will continue to serve the subject development and adjacent subdivisions within Sterling Ranch. The applicant has received approval of a wastewater line and lift station connecting the development to Meridian Ranch Metropolitan District's infrastructure from the Planning and Community Development Director, which are currently under construction, approximately 70-percent complete, and anticipated to be completed by July 1, 2020. The proposed subdivision improvement agreement secures construction of the wastewater line by requiring collateral. The agreement authorizes the County to call the collateral to allow Elite Properties of America, LLC, to complete the wastewater line if it is not completed by July 1, 2020. The subject wastewater line is anticipated to connect into the Meridian Ranch Metropolitan District's wastewater treatment system pursuant to an intergovernmental agreement between the Sterling Ranch Metropolitan District and the Meridian Ranch Metropolitan District. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

## **3. Emergency Services**

The property is within the Black Forest Fire Protection District. The Black Forest Fire Protection District has provided a letter committing to serve the proposed subdivision.

## **4. Utilities**

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

## **5. Metropolitan Districts and Other Special Districts**

The plat is within Sterling Ranch Metropolitan Districts No. 2. District No. 2 is the on-going taxing District. District No. 1 is the operating District within the Sterling Ranch development. District No. 1 will be responsible for building the public improvements, drainage improvements, trails, and amenities within the open space shown on this plat. After the completion of the trails, amenities and drainage facilities within the open space improvements, District No. 1 will be responsible for ongoing maintenance of the trails and open space amenities. The public roads will also be maintained by the District No. 1 until preliminary acceptance of the improvements by the County.

The property is anticipated to be within Public Improvement District (PID) No. 2. Traffic impact fees associated with the PID shall be paid in accordance with Resolution 18-471.

## **6. Parks/Trails**

Regional park (Area 2) fees in the amount of \$34,200 in lieu of land dedication shall be paid at the time of final plat recordation. A parks land agreement between the Sterling Ranch Metropolitan District and the Board of County Commissioners has been recorded at Reception No. 220016483. The Agreement eliminates the requirement for payment of urban park fees in the amount of \$21,600 (Urban Area 3) to be paid at plat recordation.

As stated in the park lands agreement, the District No. 1 has agreed to install park improvements within Tract CC of the Sterling Ranch Filing No. 1 subdivision, by February 4, 2022.

The applicant is proposing to provide pedestrian connections to the trail corridor along the Sand Creek channel which will connect to the anticipated trail system within the overall Sterling Ranch development as depicted on the approved Sterling Ranch Sketch Plan and the County's regional trail system plan.

## **7. Schools**

Land dedication totaling 11.66 acres, to be known as tract B, Branding Iron at Sterling Ranch filing No. 2, for the benefit of Academy School District No. 20 is anticipated to occur in lieu of fees at the time of plat recordation.

## **I. APPLICABLE RESOLUTIONS**

See attached Resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no outstanding issues with this request.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales

documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$34,200 shall be paid at the time of final plat recordation.
11. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.
12. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement. Building permits may not be authorized if the construction of Wheatland Drive and two lanes of Briargate Parkway are not open for public travel.
13. Drainage and bridge fees for the Sand Creek drainage basin, in the amounts of \$189,531.25 and \$55,628.52, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
14. The developer, property owner and/or Sterling Ranch Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
15. The construction drawings and the final drainage report (SF-19-018) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Branding Iron at Sterling Ranch Filing No. 2 final plat.
16. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

## **NOTATIONS**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

2. Land dedication for the benefit of Academy School District No. 20 is anticipated to occur in lieu of fees at the time of plat recordation.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 15 adjoining property owners on April 29, 2020, for the Board of County Commissioners hearing. Responses received will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
State Engineer's Letters  
County Attorney's Letter  
Planning Commission Resolution  
Board of County Commissioners' Resolution

# El Paso County Parcel Information

File Name: SF-19-018

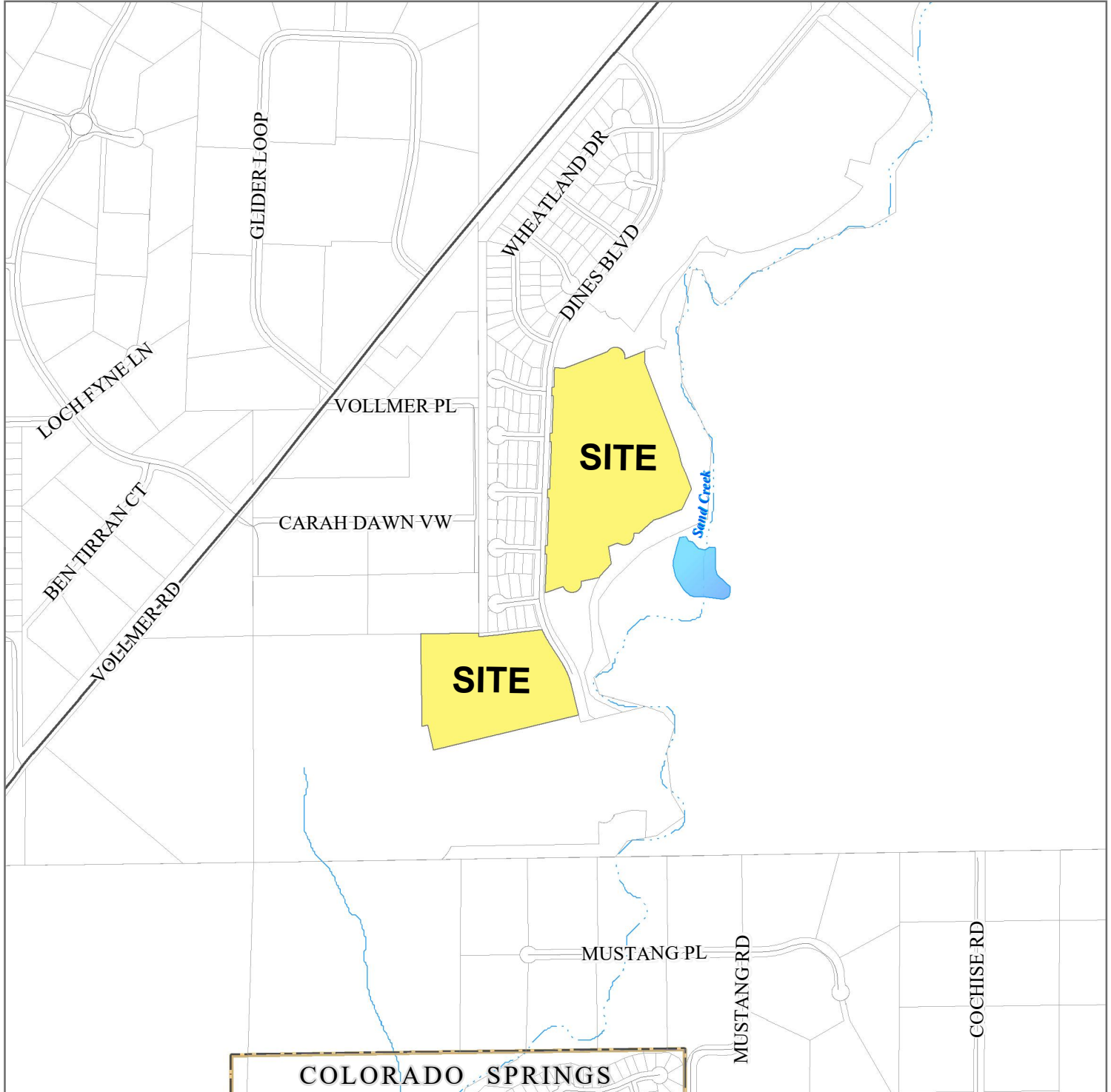
PARCEL	NAME
5233000010	MORLEY-BENTLEY INVESTMENTS LLC
5233301002	SR LAND LLC

Zone Map No. --

ADDRESS	CITY	STATE
20 BOULDER CRESCENT ST STE 100	COLORADO SPRINGS	CO
20 BOULDER CRESCENT ST STE 102	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80903	3300
80903	3300

Date: April 29, 2020



Please report any parcel discrepancies to:  
El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
520-6600



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# BRANDING IRON AT STERLING RANCH FILING 2 – FINAL PLAT

## LETTER OF INTENT

~~MARCH, 2020~~ REVISED APRIL, 2020

### OWNER/APPLICANT:

SR Land  
20 Boulder Crescent St. Suite 102  
Colorado Springs, CO. 80903

### CONSULTANT:

N.E.S. Inc.  
619 N. Cascade Ave. Suite 200  
Colorado Springs, CO. 80903

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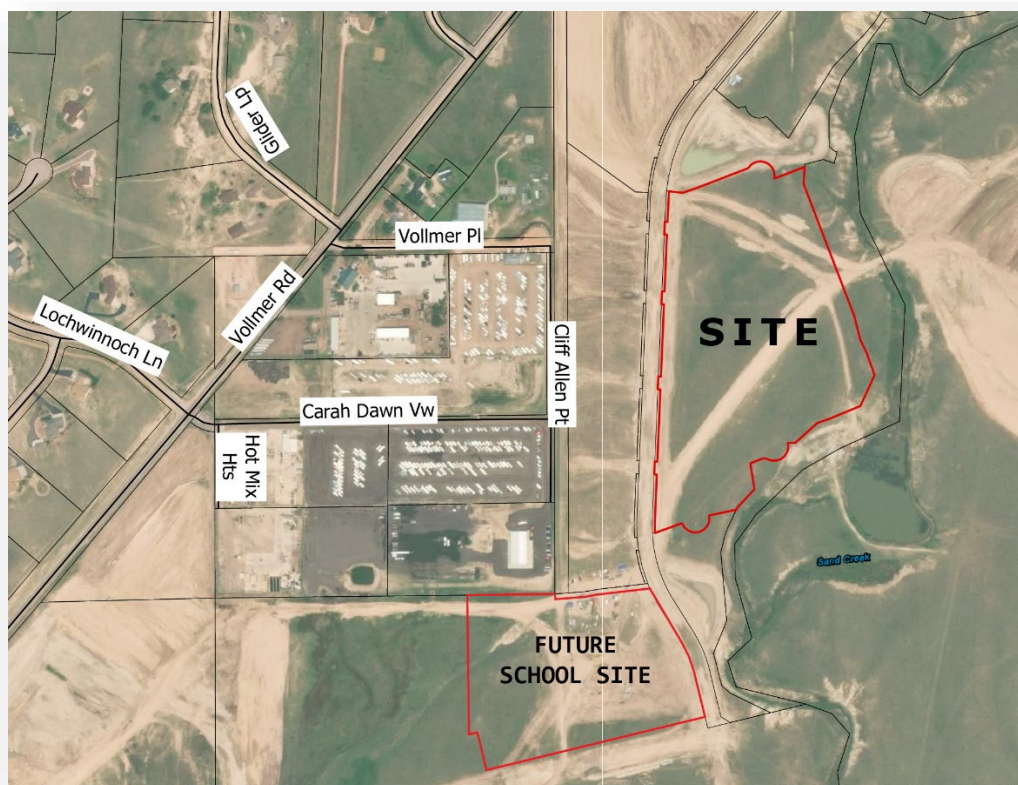
## REQUEST

SR Land request approval of the following application:

1. A Final Plat for Branding Iron at Sterling Ranch Filing No. 2, a replat of Tract K, Sterling Ranch Filing No. 1 Final Plat, as recorded at Reception No. 218714151. (TSN # 5233101002), into 75 single family lots; 1 tract for drainage, landscaping, public improvements, and public utilities; and 1 tract for a future school site.

## LOCATION

Branding Iron at Sterling Ranch Filing 2 is a replat of a Master Pad Site, Tract K, as contemplated in Sterling Ranch Filing No. 1. It is located west of Sand Creek, south of Briargate, and east of Vollmer Road.



## **PROJECT DESCRIPTION**

The Branding Iron at Sterling Ranch Filing No. 2 Final Plat will create 75 single family dwelling units. The Final Plat contains approximately 30.54 acres of single family lots, streets, a tract, and a school site consistent with the 182.26 acre Sterling Ranch Preliminary Plan approved May 26, 2015 by the Board of County Commissioners. The zoning classification is RS-5000 and all proposed lots are greater than 5,000 square feet and meet all zoning standards. In addition, the Final Plat includes an approximately 11.663 acre future school site.

The property is located within the boundaries of Sterling Ranch Metropolitan District No. 2. Water, wastewater, storm water and park/recreational services will be provided by Sterling Ranch Metropolitan District No. 1 pursuant to an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2. The Final Plat contains 75 single family lots (14.687 acres), streets (4.103 acres) and 1 tract (.091 acres) for drainage, landscaping, public improvements, and public utility purposes, and a school site for District 20 (11.663 acres) as shown on the approved Sketch Plan. In October 2018, School District reviewed the Sterling Ranch Phase 2 Preliminary Plan and approved the 11.53 acre school site. The district confirmed the need for the school site, location, and size. These tracts, as well as certain off-site open space, landscaping, and storm water tracts previously dedicated as part of Sterling Ranch Filing No. 1, will be owned and maintained by Sterling Ranch Metropolitan District No. 1. An updated SWMP specific to Branding Iron Filing 2 is submitted. Updated Grading plans are provided.

The Parks Land Agreement for Branding Iron Park at Sterling Ranch Filing 2 was approved on February 4, 2020. The Parks Land Agreement grants the property owner \$21,600 in Urban Park Credits provided that the property owner installs urban park improvements on Tract CC of the Sterling Ranch Master Plat Filing No.1.

### **Drainage**

The drainage improvements associated with the Final Plat are consistent with the Master Development Drainage Plan and Preliminary Drainage Report for Sterling Ranch Phase One. The drainage improvements have been designed based upon the most current El Paso County Engineering Criteria Manual, Sand Creek Drainage Basin Planning Study, City of Colorado Springs/El Paso County Drainage Criteria Manual, and the Urban Storm Drainage Criteria Manual. Details related to the design, construction and maintenance of the required drainage improvements are set forth in the proposed Subdivision Improvements Agreement for the Final Plat. In addition to the on-site drainage improvements, a detention pond and related improvements have been constructed on Tract CC, Sterling Ranch Filing No. 1, to serve this particular replat as required in the Subdivision Improvements Agreement for Sterling Ranch Filing No. 1.

In order to assure completion of Sand Creek Channel drainage improvements, such as drop structures, check structures and similar stabilization or protection improvements, as well as a fair apportionment of the costs of said drainage improvements amongst adjacent Sterling Ranch subdividers, the District agrees to establish a Sand Creek Channel Drainage Fee to be paid into a District Escrow Fund by adjacent

subdividers at the time of final platting. The amount of the fee shall be a minimum of One Thousand Dollars (\$1,000.00) per single family lot. The funds in the Escrow Account may only be disbursed for the design and construction of regional drainage improvements pursuant to the Sand Creek Drainage Basin Planning Study and Sand Creek channel improvements after the prior written approval of the El Paso County Engineer.

### **Sand Creek Bank Stabilization and Channel Improvements**

Slope grading and intermittent channel bank lining has been proposed for portions of the developable areas adjacent to Sand Creek to protect the developed lots and prevent excessive erosion until the DBPS recommended Sand Creek Channel improvements are installed (the "Bank Stabilization Improvements"). The proposed Bank Stabilization Improvements are intended to reduce outer bank grades and bring uniformity to areas where significant rilling and destabilization has occurred. The proposed Bank Stabilization Improvements include placement of soil riprap and turf reinforcement matting along embankment toes and along embankment slopes, both of which will function to retain soils and vegetation during heavy rains or larger flood flow events. All disturbed areas, not hardscaped will be re-vegetated with native species grasses, per El Paso County erosion control standards. Storm sewer outfalls into Sand Creek shall be protected by low-tailwater riprap basins.

In addition to the Bank Stabilization Improvements, check structures and rip-rap channel lining will be installed within Sand Creek Channel to handle the runoff from fully developed Sterling Ranch and up-gradient watershed in accordance with the Sand Creek DBPS. A discussion regarding the timing of these Channel Improvements is provided in the Sterling Ranch Filing No. 1 Subdivision Improvement agreement (SF-16-013).

Financial Assurance shall be posted for the proposed Bank Stabilization Improvements prior to recordation of the final plat. The Sand Creek Channel Drainage Fee for each lot shall be paid into a District Escrow Fund at the time of closing for such lot.

### **Roads**

In addition to the on-site road improvements, two lanes will be added to the existing two lane cross section of Vollmer Road adjacent to a portion of Sterling Ranch per the Sterling Ranch Filing 1 agreements no later than May 30, 2021. The project will be accessed via Dines Boulevard and Wheatland Drive. Dines Boulevard is planned to be constructed south from Vollmer Road to the future Sterling Ranch Road. A short, half section of Briargate Parkway is planned to be constructed between Vollmer Road and Wheatland Drive. Wheatland Drive is planned to be constructed south from Briargate Parkway to Dines Boulevard. The section of Sterling Ranch Road between Dines Boulevard and Marksheffel Road and the section of Marksheffel Road between Vollmer Road and Sterling Ranch Road are planned to be constructed by the Spring of 2021 upon approval of the Sterling Ranch Road & Marksheffel Road Construction Documents. An emergency access road is constructed southwest from the terminus of Dines Boulevard to Vollmer Road.

## **Wastewater**

The District has an intergovernmental agreement, dated on or about September 11, 2014, with Meridian Service Metropolitan District for the provision of wastewater treatment services (the "Meridian System"). The District has also entered into an intergovernmental agreement with the City of Colorado Springs and Colorado Springs Utilities which provides for temporary wastewater treatment services while the District completes its connection to the Meridian System. The agreement with the City provides for interim treatment services for a period of up to one year from the execution of the agreement, or August 12, 2020. The CSU connection is completed and CSU is serving wastewater needs for Homestead Filing 1 and Branding Iron Filing 1.

Financial Assurance Estimates and collateral in an amount satisfactory to the County to assure the completion of the connection to the Meridian system (the "Meridian Line Collateral") is also being provided to the County. It is agreed by the parties hereto that if the connection to the Meridian system is not substantially completed by June 30, 2020, or if the City of Colorado Springs has not extended the interim wastewater agreement beyond the August 12, 2020, date, the County may draw on the Meridian Line Collateral to complete the District's wastewater connection to the Meridian system. It is also agreed that should it become necessary for the County to draw on the Meridian Line Collateral to complete the connection, the County may impose a moratorium on the issuance of additional building permits on lots located in all recorded final plats at Sterling Ranch.

### **Other:**

- It is understood and agreed that applicable traffic impact fees in accordance with the County Road Impact Fee Program Resolution (Resolution No. 19-471) will be paid at or prior to the time of building permit submittals. The applicant elects to include the property into the 10 mil El Paso County Public Improvement District. The recommended plat note is provided on the Final Plat and included in all sales documents.
- Pursuant to Section 8.4.4(D)(2) of the El Paso County Land Development Code, "The second access shall be either a public road or a road located within an easement specifically constructed for emergency access purposes.". Therefore, an easement has been created and dedicated to the Sterling Ranch Metropolitan District, and construction plans have been approved by EPC for the "Branding Iron at Sterling Ranch Emergency Access Road Plans". This emergency access road will also serve as a second point of access for Branding Iron Filing #2. Per the approved Sketch Plan and Preliminary Plan for this subdivision, ultimately it is contemplated that the completed roads connecting to Vollmer Road will be dedicated to El Paso County for acceptance and maintenance upon the approval of the Sterling Ranch Road & Markscheffel Road Construction Documents. At such time the Easement Agreement will terminate.

**Districts Serving the Property:**

- Academy School District 20
- Mountain View Electric Association
- City of Colorado Springs Utilities Department - Gas
- Black Forest Fire Protection District
- Tracts containing open space, landscaping and trails will be maintained by Sterling Ranch Metropolitan District No. 1.
- Water, stormwater, parks, and recreation services to be provided by Sterling Ranch Metropolitan District No. 1
- Wastewater to be treated by CSU temporarily and ultimately by Meridian Service Metropolitan District

**PROJECT JUSTIFICATION****Consistency with County Plans**

The proposed plat is consistent with the goals and objectives set forth in the Black Forest Preservation Plan, the Falcon-Peyton Small Area Plan, the Sterling Ranch Sketch Plan, approved in November of 2008, and the Sterling Ranch Preliminary Plan, approved in 2015. A detailed analysis of the relationship between the Sterling Ranch development and the goals and objectives of the two applicable Small Area Plans was previously provided at the sketch plan, zoning and preliminary plan stages with findings of consistency having been made by the Planning Commission and Board of County Commissioners. These included the provision of adequate buffering and transition from low density residential development, the provision of adequate urban services by Sterling Ranch Metropolitan District, an interconnected system of trails, open spaces and neighborhood parks, and the preservation of natural areas.

**Consistency with Plat Approval Criteria.** The Final Plat is in substantial compliance with the approved preliminary plan and is consistent with the County's subdivision design standards and regulations. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and the proposed subdivision is compatible with such conditions. Adequate drainage improvements are proposed that comply with State Statute C.R.S. 30-28-133 (3)(c)(VIII) and the requirements of the Land Development Code and the Engineering Criteria Manual. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code. Necessary off-site improvements have been evaluated through the various reports submitted with the Final Plat, as well as the previously approved Preliminary Plan, and will mitigate the impacts of the subdivision in accordance with the applicable requirements of Chapter 8 of the Land Development Code. All public facilities and infrastructure reasonably related to the Final Plat have either been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated. The extraction of any known commercial mining deposit will not be impeded by this subdivision.



# BRANDING IRON AT STERLING RANCH FILING NO. 2

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

## BE IT KNOWN BY THESE PRESENTS:

THAT SR LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY, MORLEY–BENTLEY INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND TRADER VIC'S INVESTMENTS, LP, AN OKLAHOMA LIMITED PARTNERSHIP, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

## LEGAL DESCRIPTION:

### PARCEL A

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", AS RECORDED UNDER RECEPTION NO. 218714151 IN THE EL PASO COUNTY RECORDS,

SAID TRACT BEING A PORTION OF THE SE¼ NW¼ AND THE NE¼ SW¼ OF SECTION 33, T12S, R65W OF THE 6TH PM., EL PASO COUNTY, COLORADO;

CONTAINING A CALCULATED AREA OF 822,466 SQUARE FEET (18.881 ACRES) MORE OR LESS.

TOGETHER WITH:

### PARCEL B

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, T12S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 34; THENCE N7°6'49"42"W, A DISTANCE OF 3,343.70 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT–OF– WAY LINE OF DINES BOULEVARD AS PLATTED ON "STERLING RANCH FILING NO. 1" WITH THE NORTHWESTERLY LINE OF THAT EASEMENT DESCRIBED UNDER RECEPTION NO. 218054783 IN THE RECORDS OF EL PASO COUNTY, BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE S78°19'20"W ALONG SAID EASEMENT LINE, 842.10 FEET;  
THENCE N13°40'40"W A DISTANCE OF 175.00 FEET;  
THENCE S78°19'20"W, A DISTANCE OF 63.45 FEET;  
THENCE N00°42'35"W A DISTANCE OF 539.36 FEET TO THE SOUTHERLY LINE OF LOT 4 OF "BARBARICK SUBDIVISION" AS RECORDED UNDER RECEPTION NO. 217713910 IN THE EL PASO COUNTY RECORDS;  
THENCE N89°17'25"E ALONG SAID SOUTHERLY LINE, 340.22 FEET TO THE NORTHWEST CORNER OF TRACT M OF AFORESAID "STERLING RANCH FILING NO. 1";  
THENCE ALONG THE BOUNDARY OF "STERLING RANCH FILING NO. 1" THE FOLLOWING NINE (9) COURSES:  
1) THENCE S04°50'24"E A DISTANCE OF 20.00 FEET;  
2) THENCE N85°09'36"E A DISTANCE OF 54.23 FEET;  
3) THENCE N85°53'10"E A DISTANCE OF 59.92 FEET;  
4) THENCE N80°21'06"E A DISTANCE OF 59.99 FEET;  
5) THENCE N83°22'30"E A DISTANCE OF 194.64 FEET TO A POINT ON THE WESTERLY RIGHT–OF–WAY LINE OF DINES BOULEVARD;  
6) THENCE 85.14 FEET ALONG THE ARC OF A NON–TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 8°11'54", A CHORD OF 85.07 FEET WHICH BEARS S27°57'43"E TO A POINT OF TANGENT;  
7) THENCE S32°03'40"E A DISTANCE OF 152.06 FEET;  
8) THENCE 134.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 18°23'00", A CHORD OF 134.18 FEET WHICH BEARS S22°52'10"E TO A POINT OF TANGENT;  
9) THENCE S13°40'40"E A DISTANCE OF 198.90 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 508,060 SQUARE FEET (11.663 ACRES) MORE OR LESS.

COMBINED PARCELS A AND B CONTAINING A CALCULATED AREA OF 1,330,526 SQUARE FEET (30.544 ACRES) MORE OR LESS.

SEE NOTE 1 ON SHEET 2 FOR BASIS OF BEARING.

## OWNERS CERTIFICATE/DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF "BRANDING IRON AT STERLING RANCH FILING NO. 2". ALL PUBLIC RIGHTS–OF–WAY IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

THE AFOREMENTIONED, SR LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D.

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

AS: \_\_\_\_\_ OF SR LAND, LLC

## NOTARIAL:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D. BY \_\_\_\_\_ AS \_\_\_\_\_ OF SR LAND, LLC

WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

THE AFOREMENTIONED, MORLEY–BENTLEY INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D.

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

AS: \_\_\_\_\_ OF MORLEY–BENTLEY INVESTMENTS, LLC

## NOTARIAL:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D. BY \_\_\_\_\_ AS \_\_\_\_\_ OF MORLEY–BENTLEY INVESTMENTS, LLC

WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

THE AFOREMENTIONED, TRADER VIC'S INVESTMENTS, LP AN OKLAHOMA LIMITED PARTNERSHIP, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D.

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

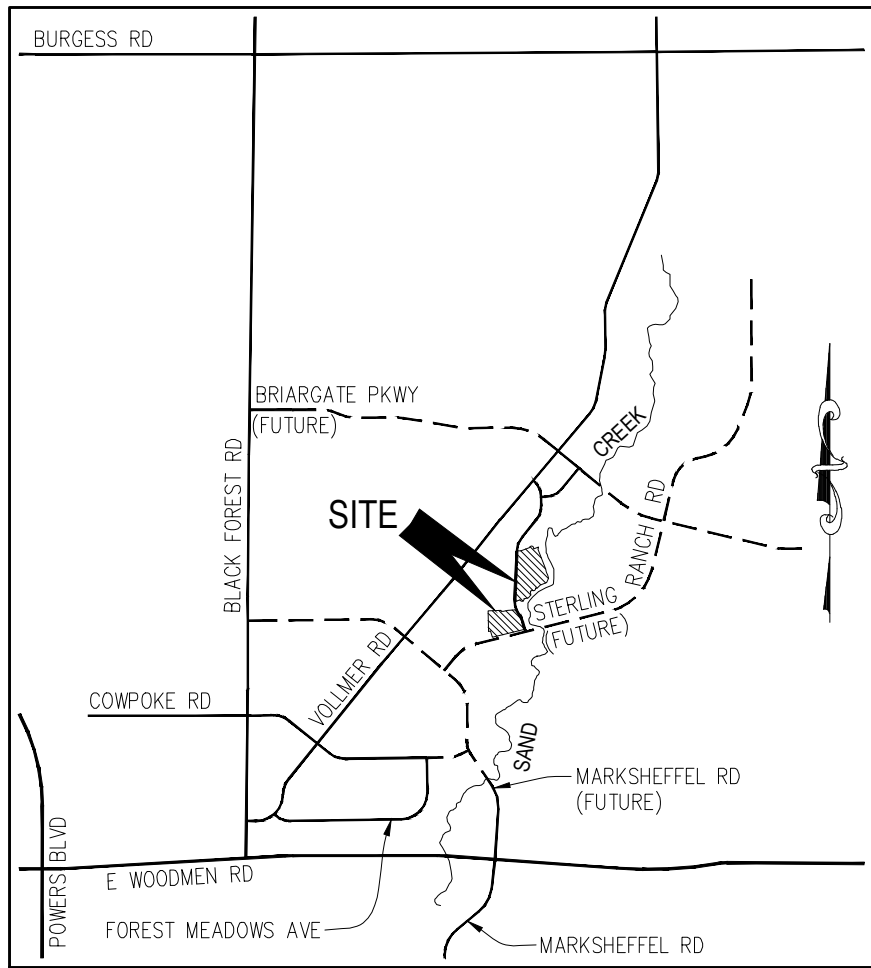
AS: \_\_\_\_\_ OF TRADER VIC'S INVESTMENTS, LP

## NOTARIAL:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D. BY \_\_\_\_\_ AS \_\_\_\_\_ OF TRADER VIC'S INVESTMENTS, LP

WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC



VICINITY MAP  
N.T.S.

## ACCEPTANCE CERTIFICATE FOR TRACTS:

THE DEDICATION OF TRACT A IS FOR LANDSCAPE PURPOSES, DRAINAGE, PEDESTRIAN ACCESS, OPEN SPACE, AND UTILITIES PURPOSES AND IS HEREBY ACCEPTED FOR OWNERSHIP AND MAINTENANCE BY STERLING RANCH METROPOLITAN DISTRICT NO. 1.

BY JIM MORLEY  
AS MANAGER OF STERLING RANCH METROPOLITAN DISTRICT NO. 1

## NOTARIAL:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

ACKNOWLEDGED BEFORE ME THIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D. BY JIM MORLEY AS MANAGER OF STERLING RANCH METROPOLITAN DISTRICT NO. 1

WITNESS MY HAND AND OFFICIAL SEAL:  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

TRACT AND PARCEL TABLE				
TRACT	SIZE (ACRES)	USE	MAINTENANCE	OWNERSHIP
A	0.091	DRAINAGE/LANDSCAPE/PUBLIC IMPROVEMENTS EASEMENT/PUBLIC UTILITIES EASEMENT/PEDESTRIAN ACCESS	SRMD#1	SRMD #1
B	11.663	FUTURE SCHOOL SITE	EPC	EPC
TOTAL	11.754			
*SRMD#1 = STERLING RANCH METROPOLITAN DISTRICT NO. 1 *EPC = EL PASO COUNTY				

## SURVEYORS CERTIFICATE

I VERNON P. TAYLOR, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE OF SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:110,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

VERNON P. TAYLOR  
COLORADO PLS NO. 25966, FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC  
102 E PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, COLORADO 80903

## NOTICE:

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

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR CERTIFICATE:

THIS PLAT FOR "BRANDING IRON AT STERLING RANCH FILING NO. 2" WAS APPROVED FOR FILING BY THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THIS DAY OF \_\_\_\_\_, 2020, SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

EL PASO COUNTY ASSESSOR

## BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR "BRANDING IRON AT STERLING RANCH FILING NO. 2" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020. SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL, THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS AND EASEMENTS) ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS DATE

## CLERK AND RECORDER:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_ O'CLOCK \_\_M., THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, A.D., AND DULY RECORDED UNDER RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

BY: \_\_\_\_\_  
CHUCK BROERMAN, EL PASO COUNTY CLERK AND RECORDER

## FEES:

DRAINAGE FEES: SAND CREEK \$ 189,531.25  
BRIDGE FEES: \$ 55,628.52  
SCHOOL FEES: LAND DEDICATION IN LIEU OF FEES  
REGIONAL PARK FEES: \_\_\_\_\_  
URBAN PARK FEES: \$ 21,600.00

## SUMMARY:

75 LOTS 14.687 ACRES 77.79%  
2 TRACTS 11.754 ACRES 0.48%  
RIGHTS–OF–WAY 4.103 ACRES 21.73%

TOTAL 18.881 ACRES 100.00%

FINAL PLAT  
BRANDING IRON AT  
STERLING RANCH FILING NO. 2  
JOB NO. 09–012  
DATE PREPARED: 03/06/2019  
DATE REVISED:  
05/06/2020



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5465

FILE NO. SF–19–018

SHEET 1 OF 6



# BRANDING IRON AT STERLING RANCH FILING NO. 2

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

PLAT NOTES:

1. BASIS OF BEARINGS:  
BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. AS MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624", SAID LINE BEARS N89°14'14"E, A DISTANCE OF 2,722.56 FEET. THE UNITS OF MEASUREMENT IS U.S. SURVEY FEET.

2. FLOODPLAIN STATEMENT:  
THE CURRENT EFFECTIVE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP HAS BEEN EXAMINED AS IT RELATES TO THE PROPERTY BEING PLATTED. THE PROPERTY LIES WITHIN ZONE X, AREA OF MINIMAL FLOOD HAZARD.

3. TITLE COMMITMENT:  
THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY M&S CIVIL CONSULTANTS, INC., TO DETERMINE THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS OF LAND, OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, M&S CIVIL CONSULTANTS, INC., RELIED UPON TITLE COMMITMENT FILE NO. ABC55074754-3, PREPARED BY LAND TITLE GUARANTEE COMPANY, EFFECTIVE DATE MARCH 2, 2019 AT 5:00 P.M.

4. WATER SERVICE SHALL BE SUPPLIED BY STERLING RANCH METROPOLITAN DISTRICT NO. 1. (RESOLUTION RECORDED UNDER RECEPTION NO. 218134276 OF THE RECORDS OF EL PASO COUNTY, AND AMENDED BY ADDITIONAL RESOLUTIONS RECORDED UNDER RECEPTION NOS. 219085543, 219085544, AND 219085545 OF SAID COUNTY.)

5. SEWER SERVICE SHALL BE SUPPLIED BY STERLING RANCH METROPOLITAN DISTRICT NO. 1. (RESOLUTION RECORDED UNDER RECEPTION NO. 218134277 OF THE RECORDS OF EL PASO COUNTY, AND AMENDED BY ADDITIONAL RESOLUTIONS RECORDED UNDER RECEPTION NOS. 219085543, 219085544, AND 219085545 OF SAID COUNTY.) MAINTENANCE OF THE UNDERDRAINS ASSOCIATED WITH THE SEWER SYSTEM SHALL BE THE RESPONSIBILITY OF STERLING RANCH METROPOLITAN DISTRICT NO. 1.

6. ELECTRIC SERVICE SHALL BE PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION.

7. NATURAL GAS SERVICE SHALL BE PROVIDED BY COLORADO SPRINGS UTILITIES.

8. FIRE PROTECTION BY THE BLACK FOREST FIRE PROTECTION DISTRICT.

9. ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF COLORADO.

10. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
  - TRANSPORTATION IMPACT STUDY
  - DRAINAGE REPORT
  - WATER RESOURCES REPORT
  - WASTEWATER DISPOSAL REPORT
  - NATURAL HAZARDS REPORT
  - GEOLOGY AND SOILS REPORT
  - WETLAND STUDY/404 PERMIT

11. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

12. UNLESS OTHERWISE INDICATED, ALL SIDE LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, EXCEPT WHEN THE SIDE YARD IS ADJACENT TO A PUBLIC STREET AND THEREFORE A 10 FOOT SIDE YARD SHALL BE PLATTED AS A PUBLIC IMPROVEMENT, PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL FRONT LOT LINES ARE HEREBY PLATTED WITH A 10 FOOT PUBLIC IMPROVEMENT, PUBLIC UTILITY AND DRAINAGE EASEMENT, AND ALL REAR LOT LINES ARE HEREBY PLATTED WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 7 FOOT PUBLIC IMPROVEMENT, PUBLIC UTILITY AND DRAINAGE EASEMENT. EASEMENTS ARE HEREBY PLATTED IN THE LOCATIONS ON SHEETS 3 AND 4 OF THIS PLAT. THE SOLE RESPONSIBILITY FOR THE SURFACE MAINTENANCE OF EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNER UNLESS OTHERWISE NOTED.

13. SIDE-LOT DRAINAGE SWALES SHALL BE CONSTRUCTED WHERE NECESSARY AT THE TIME OF HOME CONSTRUCTION.

14. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES.

15. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.

16. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.

17. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NO. \_\_\_\_\_ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER.  
  
THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

18. NOTICE: THIS PROPERTY MAY BE ADVERSELY IMPACTED BY NOISE, DUST, FUMES, AND LIGHT POLLUTION CAUSED BY ADJACENT INDUSTRIAL PROPERTIES AND ACTIVITIES. THE BUYER SHOULD RESEARCH AND BE AWARE OF THIS POTENTIALITY AND THE RAMIFICATIONS THEREOF.

PLAT NOTES: (CONTINUED)

19. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO CRS 18-4-508.
20. ALL PROPERTY WITHIN THIS SUBDIVISION IS INCLUDED IN STERLING RANCH METROPOLITAN DISTRICT NO. 2.
21. THE STERLING RANCH METROPOLITAN DISTRICT NO. 1 WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ROADS UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, THE ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.
22. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A DECLARATION OF COVENANTS AS RECORDED AT RECEPTION NOS. 219003168 AND 219016251 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
23. SPECIAL DISTRICT DISCLOSURE:  
A TITLE 32 SPECIAL DISTRICT ANNUAL REPORT AND DISCLOSURE FORM SATISFACTORY TO THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SHALL BE RECORDED WITH EACH PLAT.
24. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATION.
25. THE SUBDIVIDER(S) AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 18-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY. TRANSPORTATION IMPACT FEES ARE TO BE PAID AT BUILDING PERMIT. THE SUBDIVIDER AGREES TO THE INCLUSION OF BRANDING IRON AT STERLING RANCH FILING NO. 2 INTO THE EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT NO. 2 AT REC. NO. \_\_\_\_\_.  
  
26. THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND ON THE 4TH PAGE OF THE PRELIMINARY PLAN, AND IN THE REPORT GEOLOGIC HAZARD REPORT BY ENTECH ENGINEERING, INC, DATED JANUARY 2009, IN FILE SP-14-015 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. THE FOLLOWING LOTS ARE IMPACTED:
  - POTENTIALLY SEASONAL SHALLOW GROUNDWATER: LOT 40
  - UNSTABLE SLOPES: LOTS 4, 5, 6, 39, AND 40
27. THERE SHALL BE NO DIRECT RESIDENTIAL LOT ACCESS TO DINES BOULEVARD.
28. A PRIVATE DETENTION POND MAINTENANCE AGREEMENT FOR PONDS, 4 & 8 IS RECORDED UNDER REC. NO. 218061179, & REC. NO. 218061180, OF THE RECORDS OF EL PASO COUNTY.
29. A RIGHT-OF-WAY LANDSCAPE LICENSE AGREEMENT IS RECORDED UNDER REC. NO. 218061176, OF THE RECORDS OF EL PASO COUNTY.
30. A LANDSCAPE EXHIBIT IS RECORDED UNDER REC. NO. 218061176, OF THE RECORDS OF EL PASO COUNTY.
31. A STORM BYPASS EASEMENT IS RECORDED UNDER REC. NO. 218054785, OF THE RECORDS OF EL PASO COUNTY.
32. A CONSOLIDATED SERVICE PLAN FOR STERLING RANCH METROPOLITAN DISTRICTS 1, 2 AND 3 IS RECORDED UNDER REC. NO. 214042782, OF THE RECORDS OF EL PASO COUNTY.
33. THE PROPERTY IS SUBJECT TO RESTRICTIONS AS DEFINED BY TRUSTEE'S SPECIAL WARRANTY DEED UNDER REC. NO. 206045408, OF THE RECORDS OF EL PASO COUNTY.
34. THE PROPERTY IS SUBJECT TO RESTRICTIONS AS DEFINED BY TRUSTEE'S SPECIAL WARRANTY DEEDS UNDER REC. NO. 206045408 AND REC. NO. 206187359, AND TRUSTEE'S QUIT CLAIM DEED UNDER RECEPTION NO. 206045409, OF THE RECORDS OF EL PASO COUNTY.
35. THE PROPERTY IS SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS, AND NOTES ON THE PLAT OF "STERLING RANCH FILING NO. 1" RECORDED UNDER RECEPTION NO. 218714151 AND RATIFICATION AND CONFIRMATION OF PLAT RECORDED UNDER RECEPTION NO. 219016127.
36. A CONSOLIDATED SERVICE PLAN FOR STERLING RANCH METROPOLITAN DISTRICTS 1, 2 AND 3 IS RECORDED UNDER REC. NO. 214042782, OF THE RECORDS OF EL PASO COUNTY.
37. THE PROPERTY IS SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN THE PRE-DEVELOPMENT SITE GRADING ACKNOWLEDGEMENT AND RIGHT OF ACCESS FORM RECORDED UNDER RECEPTION NO. 219084306.
38. THIS PROPERTY IS SUBJECT TO AN AVIGATION EASEMENT FOR THE COLORADO SPRINGS MUNICIPAL AIRPORT, RECORDED UNDER RECEPTION NO. 217069667 OF THE RECORDS OF EL PASO COUNTY, COLORADO.  
  
A. NO ELECTROMAGNETIC, LIGHT, ANY PHYSICAL EMISSIONS WHICH MAY INTERFERE WITH AIRCRAFT, AVIATION, COMMUNICATIONS OR NAVIGATIONAL AIDS ARE ALLOWED.  
  
B. NOTICE: THIS PROPERTY MAY BE IMPACTED BY NOISE CAUSED BY AIRCRAFT OPERATING INTO AND OUT OF THE COLORADO SPRINGS MUNICIPAL AIRPORT. THE BUYER SHOULD FAMILIARIZE HIMSELF/HERSELF WITH THE POTENTIALITY AND THE RAMIFICATIONS THEREOF.  
  
C. NO MAN-MADE OR NON-MAN MADE OBSTRUCTIONS ARE ALLOWED TO PENETRATE THE 40:1 APPROACH SURFACE.  
  
D. IF USE OF TEMPORARY CONSTRUCTION EQUIPMENT WILL EXCEED 200 FEET ABOVE GROUND LEVEL IN HEIGHT AT THIS SITE, THE APPLICANT MUST FILE FEDERAL AVIATION ADMINISTRATION (FAA) FORM 7460-1 "NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION" FOR THE EQUIPMENT AND PROVIDE FAA DOCUMENTATION TO THE AIRPORT BEFORE THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
39. REFER TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THIS PROPERTY REGARDING THE CONDITIONS FOR WASTEWATER TREATMENT AND CONSTRUCTION OF ROADWAYS AND THE MERIDIAN WASTEWATER CONNECTION AGREEMENT FILED UNDER RECEPTION NO. \_\_\_\_\_, IN THE RECORDS OF EL PASO COUNTY, COLORADO.

PLAT NOTES: (CONTINUED)

40. STATE LAW REQUIRES THAT, UPON MEETING THE STATE DEFINITION OF A PUBLIC WATER SYSTEM, STERLING RANCH METROPOLITAN DISTRICT NO. 1 SHALL OBTAIN APPROVAL FROM THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL OF ITS TECHNICAL, MANAGERIAL AND FINANCIAL CAPACITY ASSESSMENT. SHOULD THE DISTRICT FAIL TO COMPLY WITH THIS REQUIREMENT, NO FURTHER BUILDING PERMITS SHALL BE ISSUED UNTIL COMPLIANCE IS ACHIEVED.
41. THIS PROPERTY IS SUBJECT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR STERLING RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 218061175 IN THE RECORDS OF EL PASO COUNTY, COLORADO.
42. THE PROPERTY IS SUBJECT TO A PARK LAND AGREEMENT FOR TRACT CC STERLING RANCH FILING NO. 1, BOCC RESOLUTION NO. 20-49 AS RECORDED UNDER RECEPTION NO. 220016483 IN THE RECORDS OF EL PASO COUNTY, COLORADO.
43. TRACT B TO BE DEDICATED TO THE COUNTY FOR PURPOSES OF A SCHOOL SITE TO BENEFIT DISTRICT 20. TRAFFIC IMPACT FEES WILL BE ASSESSED AT THE TIME OF THE SITE DEVELOPMENT PLAN AND OR ACCESS PERMIT.

FINAL PLAT  
BRANDING IRON AT  
STERLING RANCH FILING NO. 2  
JOB NO. 09-012  
DATE PREPARED: 03/06/2019  
DATE REVISED:  
05/06/2020



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5465



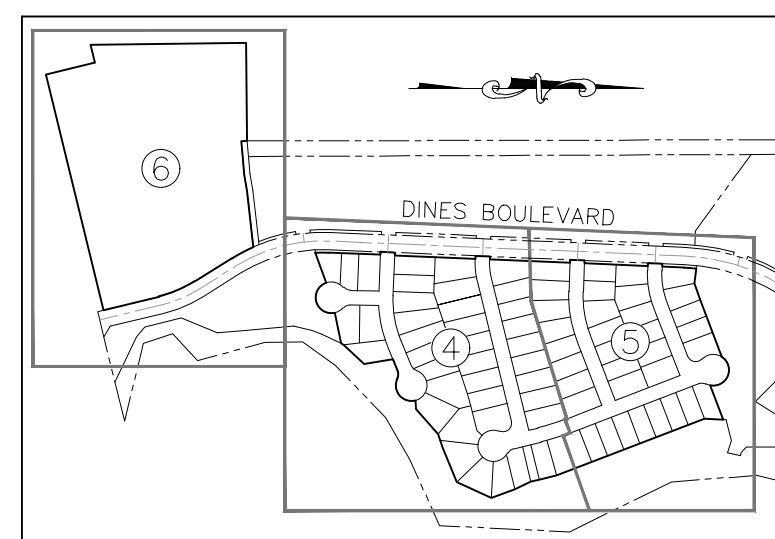
# BRANDING IRON AT STERLING RANCH FILING NO. 2

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

## LEGEND:

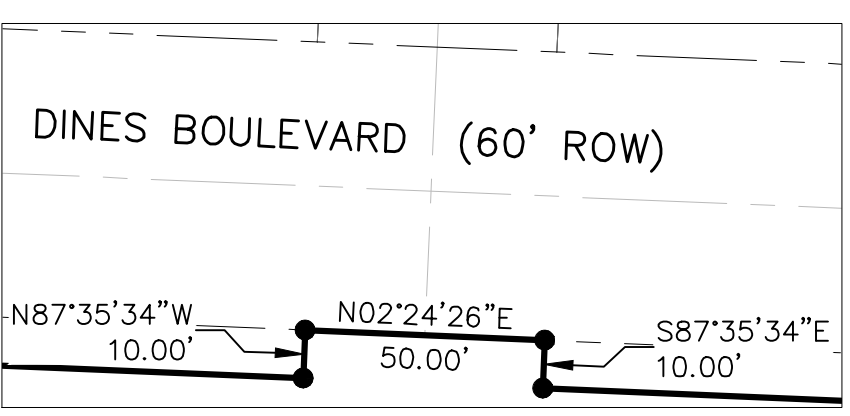
- S SQUARE FEET
- (R) RADIAL
- (xxxx) ADDRESS
- Ch CHORD
- ChB CHORD BEARING
- SET ORANGE PLASTIC SURVEYORS CAP ON NO. 5 REBAR, CAP IS STAMPED "M&S CIVIL PLS 25966"
- FOUND MONUMENT AS NOTED
- BOUNDARY LINE
- PROPERTY LINE
- RIGHT OF WAY LINE
- CENTERLINE
- EASEMENT LINE
- ADJACENT PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING CENTERLINE
- EXISTING EASEMENT
- 100YR FLOODPLAIN LINE ZONE AR

\*NOT A PART\* PARCELS INDICATED WITH ASTERISK "\*" ARE NOT A PART OF THIS SUBDIVISION



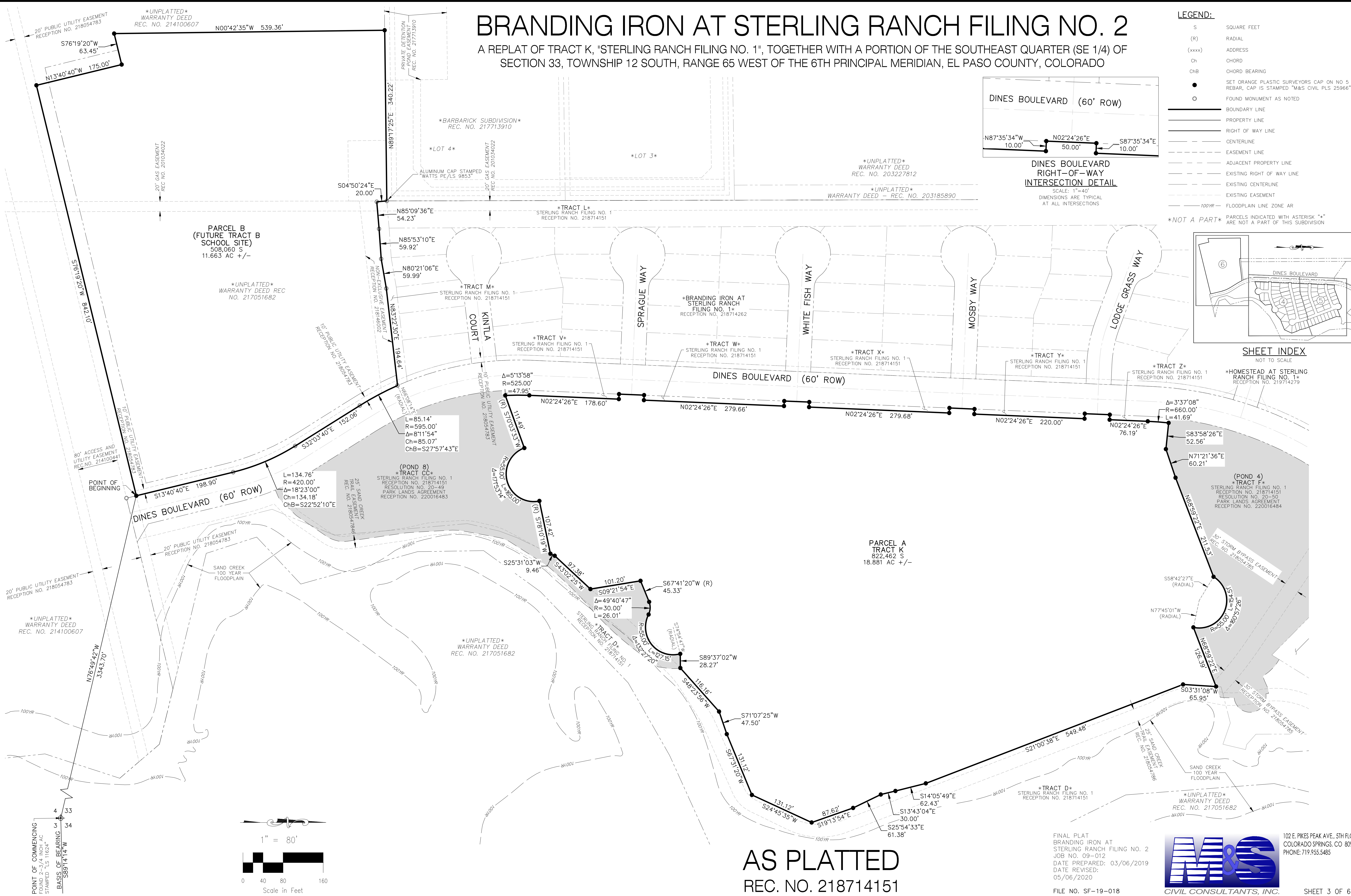
## SHEET INDEX

NOT TO SCALE



## DINES BOULEVARD RIGHT-OF-WAY INTERSECTION DETAIL

SCALE: 1"=40'  
DIMENSIONS ARE TYPICAL  
AT ALL INTERSECTIONS



AS PLATTED  
REC. NO. 218714151

FINAL PLAT  
BRANDING IRON AT  
STERLING RANCH FILING NO. 2  
JOB NO. 09-012  
DATE PREPARED: 03/06/2019  
DATE REVISED:  
05/06/2020

FILE NO. SF-19-018



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.555.5465

SHEET 3 OF 6



# BRANDING IRON AT STERLING RANCH FILING NO. 2

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

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- 100'YR FLOODPLAIN LINE ZONE AR
- MATCHLINE
- \*NOT A PART\* PARCELS INDICATED WITH ASTERISK "\*" ARE NOT A PART OF THIS SUBDIVISION

RADIAL BEARING TABLE	
LINE #	BEARING
(R)1	S56°46'23"E
(R)2	N02°32'16"W
(R)3	N18°56'01"W
(R)4	S74°54'47"W
(R)5	N25°58'55"E
(R)6	S46°21'44"E
(R)7	N16°38'52"E
(R)8	N15°09'06"W
(R)9	S76°28'58"W

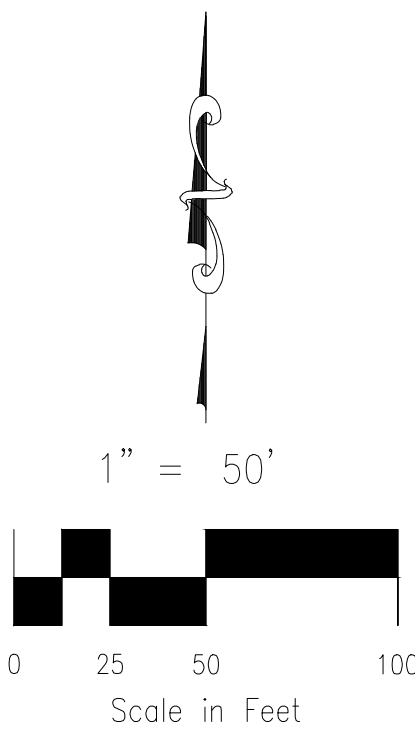
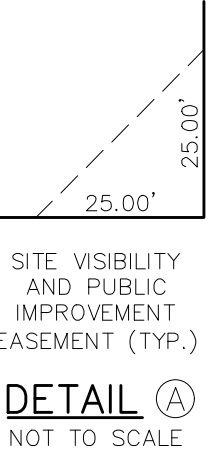
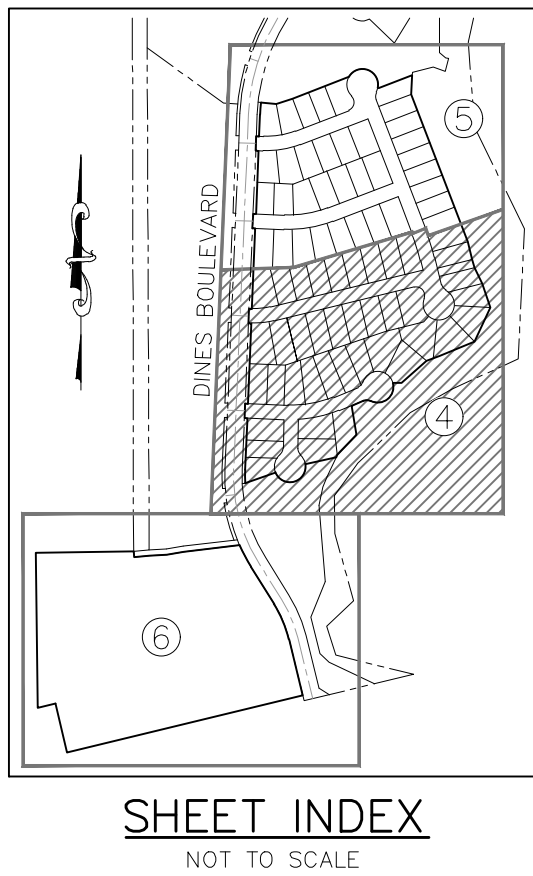
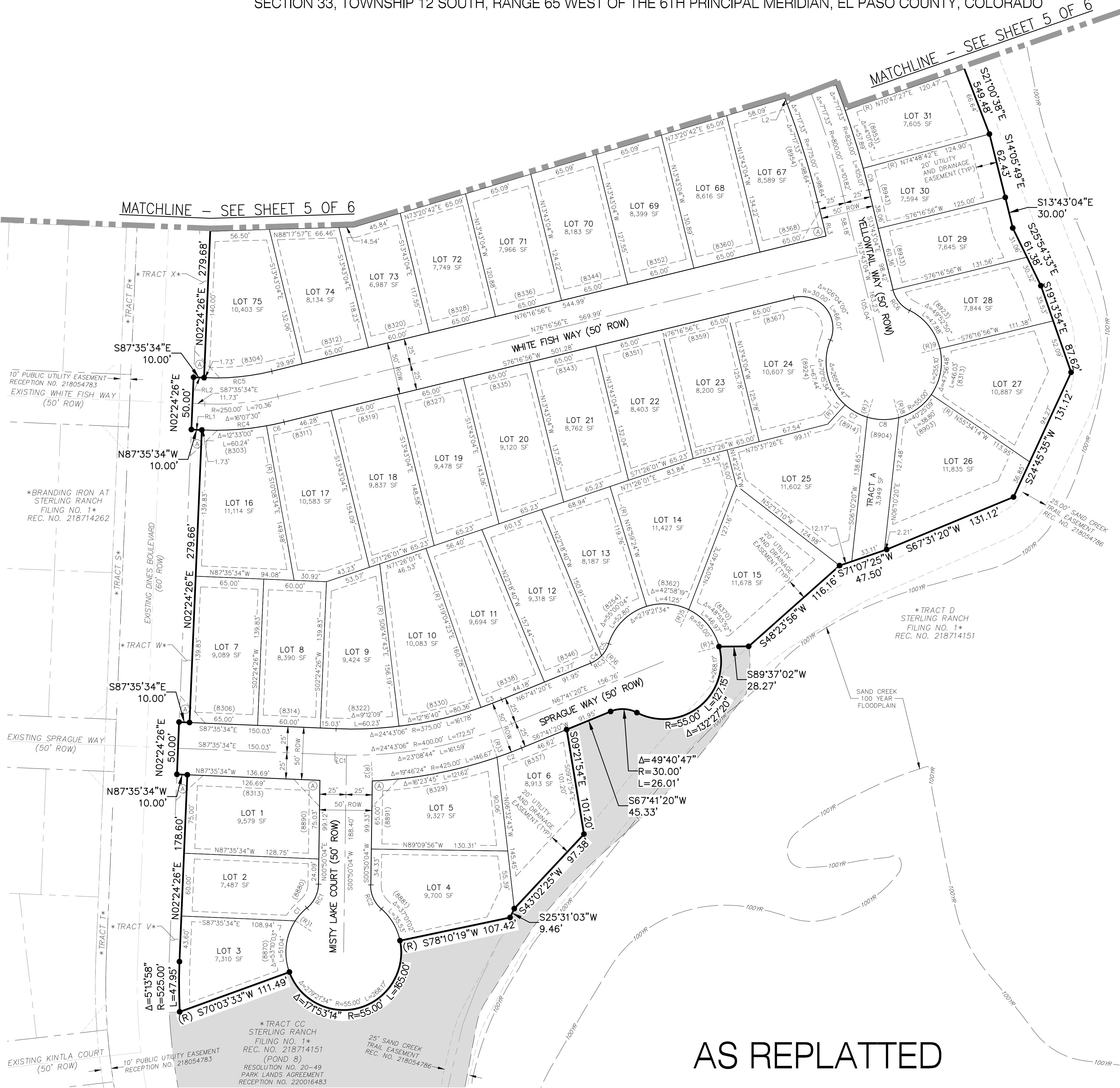
RIGHT-OF-WAY LINE TABLE		
LINE #	DISTANCE	BEARING
RL1	11.73	N87°35'34"W
RL2	11.73	S87°35'34"E
RL3	33.18	N13°43'04"W

RIGHT-OF-WAY CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
RC1	30.00	49°40'47"	26.01
RC2	30.00	49°40'47"	26.01
RC3	30.00	49°40'47"	26.01
RC4	275.00	16°07'30"	77.39
RC5	225.00	16°07'30"	63.32
RC6	30.00	49°40'47"	26.01

CENTERLINE CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
CC1	400.00	1°34'22"	10.98

LOT & TRACT LINE TABLE		
LINE #	DISTANCE	BEARING
L1	25.00	S42°05'22"W
L2	5.69	S21°00'38"E

LOT & TRACT CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	55.00	17°17'14"	16.59
C2	425.00	3°22'39"	25.05
C3	375.00	3°14'18"	21.19
C4	30.00	24°03'04"	12.59
C5	30.00	25°37'43"	13.42
C6	275.00	3°34'30"	17.16
C7	55.00	25°26'30"	24.42
C8	55.00	31°47'58"	30.53
C9	825.00	1°28'14"	21.17



AS REPLATTED

FINAL PLAT  
BRANDING IRON AT  
STERLING RANCH FILING NO. 2  
JOB NO. 09-012  
DATE PREPARED: 03/06/2019  
DATE REVISED:  
05/06/2020

FILE NO. SF-19-018



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.555.5465

SHEET 4 OF 6

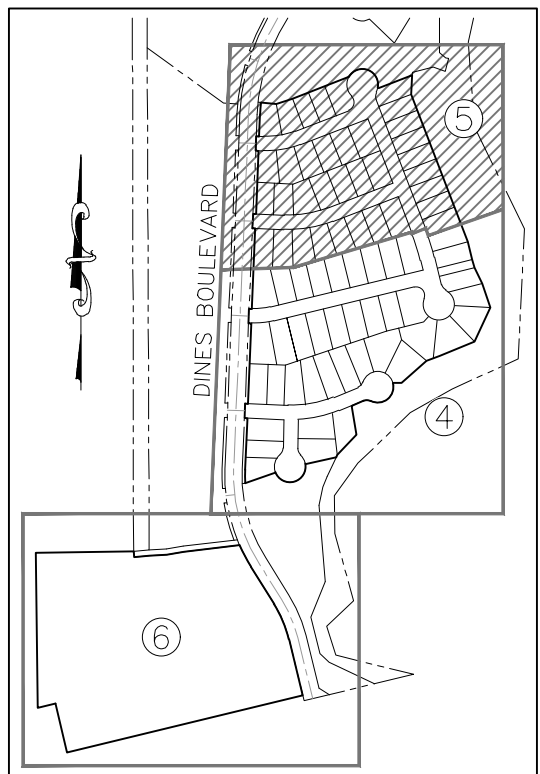


# BRANDING IRON AT STERLING RANCH FILING NO. 2

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

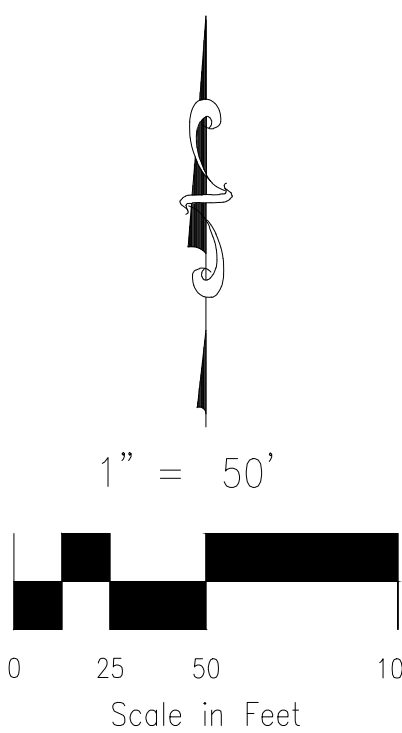
## LEGEND:

- S SQUARE FEET
- (R) RADIAL
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- Ch CHORD
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SHEET INDEX  
NOT TO SCALE

DETAIL A  
NOT TO SCALE



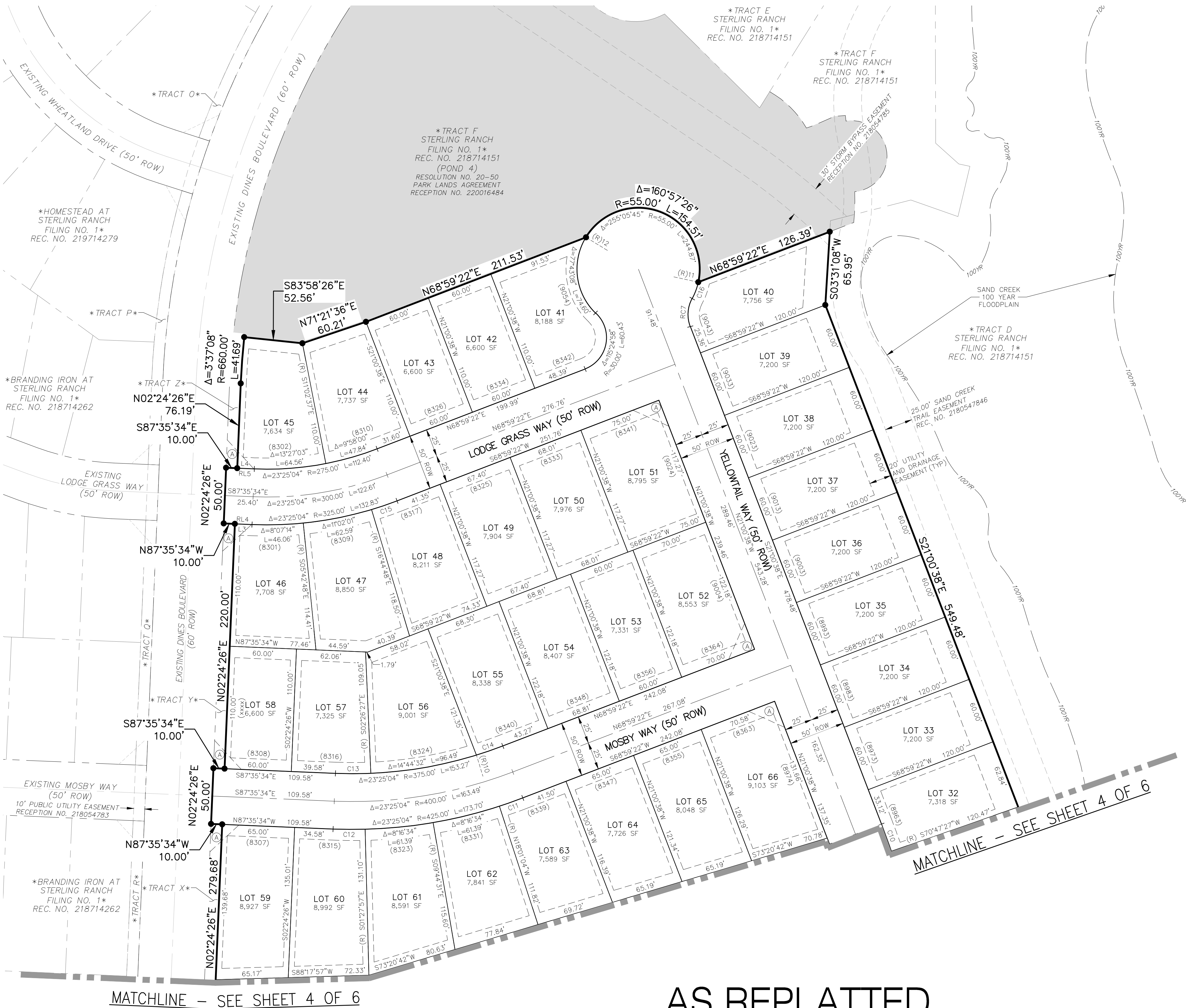
RADIAL BEARING TABLE	
LINE #	BEARING
(R)10	S17°10'59"E
(R)11	N77°45'01"W
(R)12	N58°42'27"W

RIGHT-OF-WAY LINE TABLE		
LINE #	DISTANCE	BEARING
RL4	25.40	N87°35'34"W
RL5	25.40	S87°35'34"E

RIGHT-OF-WAY CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
RC7	30.00	49°40'47"	26.01

LOT & TRACT LINE TABLE		
LINE #	DISTANCE	BEARING
L3	15.40	S87°35'34"E
L4	15.40	N87°35'34"W

LOT & TRACT CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C10	825.00	1°48'05"	25.94
C11	425.00	2°59'33"	22.20
C12	425.00	3°52'23"	28.73
C13	375.00	4°50'53"	31.73
C14	375.00	3°49'39"	25.05
C15	325.00	4°15'49"	24.19
C16	55.00	16°25'11"	15.76



AS REPLATTED

FINAL PLAT  
BRANDING IRON AT  
STERLING RANCH FILING NO. 2  
JOB NO. 09-012  
DATE PREPARED: 03/06/2019  
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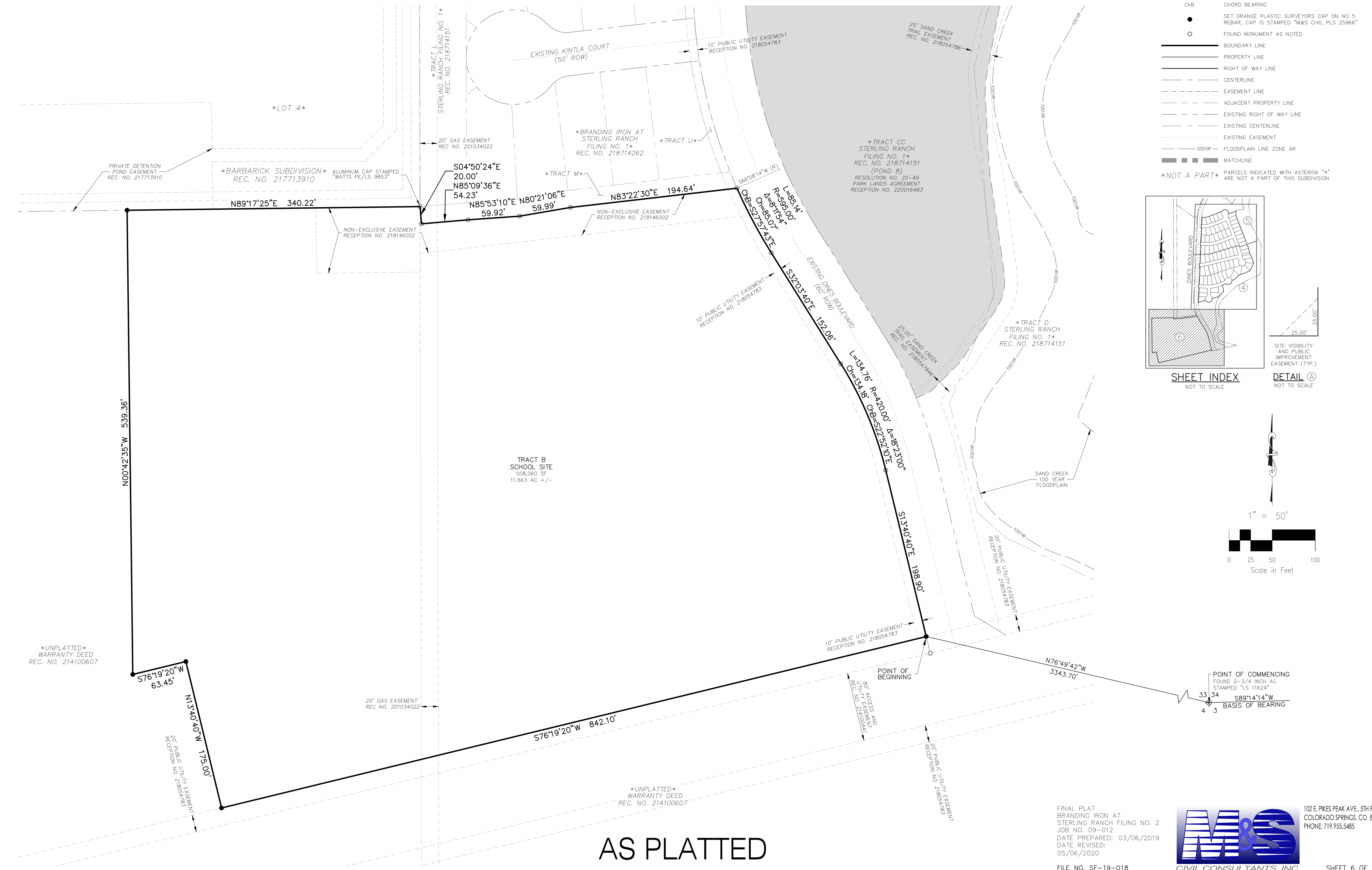
102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5465

FILE NO. SF-19-018

SHEET 5 OF 6



A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", TOGETHER WITH A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



October 17, 2019

El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127

RE: Branding Iron at Sterling Ranch Filing 2 - Final Plat  
Sec. 33, Twp. 12S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 26746

To Whom It May Concern:

We have received information concerning the above-referenced proposal to divide a 18.88 ± acre tract of land into 75 single-family lots, which appear to be located within the larger Sterling Ranch Phase I, 258.45-acre parcel of land, for which this office most recently provided comments dated December 18, 2014. Per additional information included with the submittal, the 75 single-family lots are confirmed to be a portion of the total lots approved in Sterling Ranch Phase 1 and are wholly contained within the original water commitment from Sterling Ranch Metropolitan District. Therefore, please refer to this office's letter dated December 18, 2014 (attached) for an opinion regarding the proposed water supply pursuant to Section 30-28-136(1)(h)(II), C.R.S.

Should you or the applicant have questions regarding any of the above, please feel free to contact me at this office.

Sincerely,



Ivan Franco, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer  
Doug Hollister, District 10 Water Commissioner



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

Office of the State Engineer  
1313 Sherman St, Suite 818  
Denver, CO 80203

March 19, 2015

Kari Parsons  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
Sent via email to: [DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

RE: Sterling Ranch Phase I  
Preliminary Plan and PUD Revision  
Secs. 28, 32 & 33, Twp. 12S, Rng. 65W, 6<sup>th</sup> P.M.  
Secs. 4 & 5, Twp. 13S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 22158

Dear Ms. Parsons,

We have received a second revision of the Sterling Ranch Phase I Preliminary Plan and PUD Plan in El Paso County on February 12, 2015. This office previously provided comments regarding this development dated August 28, 2009 and December 18, 2014, which are to be replaced by the comments provided herein for the second revision as submitted. According to the materials, it appears the development consists of 457 residential lots and 6 commercial lots on 182.86 acres. The proposed source of water supply is to be served by the Sterling Ranch Metropolitan District No. 1 and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 1 and the Meridian Service Metropolitan District.

### **Water Supply Demand**

According to Water Supply Information Summary received on February 12, 2015, the estimated water demand for the development is 161.32 acre-feet/year for 457 residential lots, 26.16 acre-feet/year for commercial use, and 13.63 acre-feet/year for irrigation of landscaping and parks, for a total estimated water demand of 201.11 acre-feet/year for the entire development.

### **Source of Water Supply**

The proposed water supplier is Sterling Ranch Metropolitan District No. 1 ("District") and a November 17, 2014 preliminary letter of commitment from the District was included with the submittal. According to the submittal, the District will provide water from Arapahoe and Laramie-Fox Hills aquifer well(s) to a central system utilizing the water rights shown in Table 1, below.



**Table 1 - Denver Basin Ground Water Rights**

Aquifer	Decree	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Laramie-Fox Hills	86CW19	NT	53,900	539	179.67
Laramie-Fox Hills	08CW113	NT	40	0.4	0.13
Arapahoe	86CW18	NT	57,500	575	191.67
<b>Total</b>			<b>111,440</b>	<b>1,114.4</b>	<b>371.47</b>

According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“-Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

#### **State Engineer’s Office Opinion**

Pursuant to the provision of C.R.S. 30-28-136(1)(h)(II), it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments (none at this time) and the estimated demands of the proposed subdivision.



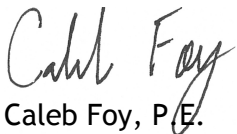
Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the applicant have questions regarding any of the above, please contact Caleb Foy of this office.

Sincerely,



Caleb Foy, P.E.  
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf



# EL PASO COUNTY

COMMISSIONERS:  
DENNIS HISEY (CHAIR)  
AMY LATHEN (VICECHAIR)



SALLIE CLARK  
DARRYL GLENN  
PEGGY LITTLETON

DEVELOPMENT SERVICES DEPARTMENT  
MAX L. ROTHSCHILD P.E. EXECUTIVE DIRECTOR

RECEIVED

NOV 24 2014

## Review Agency Comment Sheet

WATER RESOURCES  
STATE ENGINEER  
COLO

Date: 11/20/14 Review Agency: STATE WATER ENG

File Number: SP-14-015

Reviewer:

Project Manager: Kari Parsons

Send response comments to: [DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

Project Name: Sterling Ranch Preliminary Plan

Request: A request by SR Land, LLC Inc., Morley Bentley Investments and Arvest Bank to preliminary plan 258.45 acres. A concurrent rezone to the Planned Unit Development zone district is also under review. The applicant is proposing a single-family development with open space, a fire station and public right-of-way.

Commissioner Dist:

Tax ID# (s): 52000-00-364/365, 53000-00-173, 52330-00-005/006

**Outside Review Agencies:** Please email comments to the DSD Comments e-mail noted above. Comments can also be faxed to 719-520-6695 or mail written comments to the Development Services Division directly. **NOTE:** If this form is not returned, additional review information will not be provided.

**County Review Agencies:** Please type your comments in Arial 11.

All comments must be returned to the  
EPC Development Services Department no later than:

**12/11/14**

NOTE: If plan sets are returned Please identify your review comments on plan sets by printing the date, your name and company/agency for future reference.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Previous Reference Files:

Fire District: Yes (Fire Marshall Review Optional) No (Fire Marshall Review Required)

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695





DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

December 18, 2014

Kari Parsons  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

RE: Sterling Ranch Phase I  
Preliminary Plan and PUD Revision  
Secs. 28, 32 & 33, Twp. 12S, Rng. 65W, 6<sup>th</sup> P.M.  
Secs. 4 & 5, Twp. 13S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 22158

Dear Ms. Parsons,

We have received a revision of the Sterling Ranch Phase I Preliminary Plan and PUD Plan in El Paso County. This office previously provided comments regarding this development dated August 28, 2009, attached, which are to be replaced by the comments provided herein for the revision as submitted. According to the materials, it appears the development consists of 672 residential lots on 258.45 acres. The proposed source of water supply is to be served by the Sterling Ranch Metropolitan District No. 1 and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 1 and the Meridian Service Metropolitan District.

**Water Supply Demand**

According to Appendix B of the November, 2014 Water Resources Report provided in the referral, the estimated demand for the proposed development is 236.91 acre-feet/year for 672 lots (~0.353 acre-foot/year per lot), 4.59 acre-feet/year for use in an elementary school, 1.77 acre-feet/year for commercial use, 7.05 acre-feet/year for irrigation of a neighborhood park, 5.3 acre-feet/year for median irrigation, and 0.35 acre-foot/year for use in a lift station, for a total estimated demand of 255.96 acre-feet/year.

**Source of Water Supply**

The proposed water supplier is Sterling Ranch Metropolitan District No. 1 ("District") and a November 17, 2014 preliminary letter of commitment from the District was included with the submittal. According to the submittal, the District will provide water from Arapahoe and Laramie-Fox Hills aquifer well(s) to a central system utilizing the water rights shown in Table 1, below.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589  
<http://water.state.co.us>

**Table 1 – Denver Basin Ground Water Rights**

<b>Aquifer</b>	<b>Decree</b>	<b>Tributary Status</b>	<b>Volume (AF)</b>	<b>Annual Allocation 100 Year (AF/Year)</b>	<b>Annual Allocation 300 Year (AF/Year)</b>
Laramie-Fox Hills	86CW19	NT	53,900	539	179.67
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<b>Total</b>			<b>111,440</b>	<b>1,114.4</b>	<b>371.47</b>

According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"-Finding of Sufficient Quantity – The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an **allocation** approach based on three hundred years, the allowed average annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 255.96 acre-feet/year for Sterling Ranch Phase I. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

#### **State Engineer's Office Opinion**

Pursuant to the provision of C.R.S. 30-28-136(1)(h)(II), it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments (none at this time) and the estimated demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.**

Should you or the applicant have questions regarding any of the above, please contact Caleb Foy of this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb Foy for", written over the typed name "Heidi Frey, P.E.".

Heidi Frey, P.E.  
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

HCF:crf



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

August 28, 2009

Bill Ritter, Jr.  
Governor

Harris D. Sherman  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

Craig Dossey  
El Paso County Planning Dept.  
2880 International Cir., Ste 110  
Colorado Springs, CO 80910

Re: Sterling Ranch PUD Phase I  
Secs. 28, 32, & 33, T12S, R65W, and Secs. 4 & 5, T13S, R65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10

Dear Mr. Deconinck:

We have received the above referenced proposal to subdivide 279.12 acres into 845 dwelling units, commercial businesses, church, fire station, park, and open space. The proposed source of water is Arapahoe and Laramie-Fox Hills aquifer wells to supply a central system.

**Water Supply Demand**

According to the submittal, the estimated water requirements total 358.7 acre-feet annually. In-Door demands are 253.5 acre-feet annually and irrigation requirements are 105.2 acre-feet annually.

**Source of Water Supply**

A decree was entered in case no. 86CW18 on October 29, 1986, which quantified the amount of water within the Arapahoe aquifer underlying 1,444 acres. A decree was entered in case no. 86CW19 on October 29, 1986, which quantified the amount of water within the Laramie-Fox Hills aquifer underlying 1,444 acres. The amount of water was determined to be 575 acre-feet annually from the Arapahoe aquifer and 539 acre-feet annually from the Laramie-Fox Hills aquifer for a 100-year aquifer life. As required by El Paso County's 300-year water supply requirement, these amounts are reduced to 191.67 acre-feet for the Arapahoe aquifer and 179.67 acre-feet for the Laramie-Fox Hills aquifer for a total of 371.33 acre-feet annually.

According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100-years.

**Office of the State Engineer**

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589  
www.water.state.co.us

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1,114 acre-feet/year would be reduced to one third of that amount, or 371.33 acre-feet/year, which is greater than the annual demand for the total build out of Sterling Ranch. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

#### State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

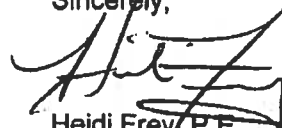
The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Craig Dossey  
August 28, 2009

Page 3

Should you have any questions, please contact me at 303-866-3581.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Frey', written over a horizontal line.

Heidi Frey, P.E.  
Water Resource Engineer

cc: Steve Witte, Division Engineer  
Water Supply Branch  
Subdivision File

HCF:word/sterling ranch phase 1

# EL PASO COUNTY

## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION


**Diana K. May, County Attorney**

### Assistant County Attorneys

M. Cole Emmons  
Lori L. Seago  
Lisa A. Kirkman  
Steven A. Klafiky  
Peter A. Lichtman  
Mary Ritchie  
Bryan E. Schmid

May 4, 2020

SF-19-18      Branding Iron at Sterling Ranch Filing No. 2  
Final Plat

Reviewed by: Lori L. Seago, Senior Assistant County Attorney   
Edi Anderson, Paralegal

### FINDINGS AND CONCLUSIONS:

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 18.88 acres into 75 single-family residential lots and one elementary school site. Applicant's property is zoned RS-5000 (Residential Suburban). This filing is a replat of Tract K, Sterling Ranch Filing No. 1, which was recorded in the records of the El Paso County Clerk and Recorder at Reception No. 218714151.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 ("District"). As described in the Water Supply Information Summary, the Applicant estimates its annual water requirements to serve 75 single-family lots at 26.48 acre-feet annually (0.353 acre-feet per lot, reflecting 0.18 acre-feet for household use and 0.173 acre-feet for outdoor use). The Applicant also estimates its annual water requirements to serve the elementary school at 4.59 acre-feet annually, for a total of 31.07 acre-feet per year for the subdivision. The Applicant will need to provide a supply of 9,321 acre-feet of water (31.07 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. The *Water Resources and Wastewater Report for Sterling Ranch Service Area* by JDS-Hydro dated April 4, 2019 ("Report") details the source of the water supply for the District. A Water Resources Report was originally prepared in May of 2015 and has since been updated to include 2 additional final plats. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the total water allocation available is 1,114.4 acre-

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

feet per year based on withdrawal for 100 years or 371.47 acre-feet per year based on El Paso County's 300-year rule. The Report notes that the Branding Iron at Sterling Ranch Filing No. 2 subdivision is included in the original Phase I preliminary plan approved in 2015 which approved a total of 726 lots with a committed water supply of 255.96 acre-feet/year.

4. In a revised letter dated February 20, 2020, James Morley, President, states that the District commits to providing water service to the subdivision, including the single-family lots and the elementary school, and that the subdivision is within the original commitment of the Sterling Ranch Phase One Preliminary Plan. The President specifically commits to "serve central water and sewer to the above-named subdivision which includes approximately 75 single family lots and one elementary school or 31.07 AC-FT/year. The annual water committed is 31.07 acre-feet/year."

5. In an eDARP comment dated April 28, 2020, the State Engineer's Office noted that the Branding Iron at Sterling Ranch Filing 2 proposal was a portion of the total development previously approved in the Sterling Ranch Phase 1 preliminary plan. The State Engineer referred to their previous findings for Sterling Ranch Phase I dated March 19, 2015 and stated that the school site in Branding Iron at Sterling Ranch Filing 2 is being classified as part of the commercial water commitment. In the 2015 letter, the State Engineer's Office reviewed the proposal for 457 residential lots and 6 commercial lots on 182.86 acres. The Sterling Ranch Metropolitan District No. 1 committed a total annual water supply of 201.11 acre-feet for Sterling Ranch Phase 1, including 161.32 acre-feet per year for 457 residential lots, 26.16 acre-feet per year for commercial use, and 13.63 acre-feet per year for irrigation of landscaping and parks. The State Engineer reviewed the available water supply of the District pursuant to the District's preliminary letter of commitment dated November 17, 2014 and noted an "annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I." Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply "is expected to be adequate and can be provided without injury to existing water rights."

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary. In a memo provided March 26, 2020, El Paso County Public Health stated that "A finding for sufficiency in terms of water quality can be made for this Colorado Department of Public Health and Environment, Water Quality Control Division, approved water system."

7. Analysis: Based on the information provided in the Water Supply Information Summary, the *Water Resources and Wastewater Report* dated April 4, 2019, and the District's commitment to serve the Branding Iron at Sterling Ranch Filing No. 2



subdivision at the amount of 31.07 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

On March 3, 2020, the Colorado Department of Public Health and Environment issued its *approval of the District's Assessment of Technical, Managerial and Financial Capacity*. On April 1, 2020, the County received a professional engineer's certification that the District's drinking water system has been constructed consistent with CDPHE-approved design documents.

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment to serve, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

#### **REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Project Manager/Planner III

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. SF-19-018  
Branding Iron at Sterling Ranch Filing No. 2**

WHEREAS, SR Land, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Branding Iron at Sterling Ranch Filing No. 2 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on May 19, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Branding Iron at Sterling Ranch Filing No. 2 Subdivision with the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$34,200 shall be paid at the time of final plat recordation.
11. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.
12. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement. Building permits may not be authorized if the construction of Wheatland Drive and two lanes of Briargate Parkway are not open for public travel.
13. Drainage and bridge fees for the Sand Creek drainage basin, in the amounts of \$189,531.25 and \$55,628.52, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
14. The developer, property owner and/or Sterling Ranch Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
15. The construction drawings and the final drainage report (SF-19-018) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Branding Iron at Sterling Ranch Filing No. 2 final plat.
16. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

**NOTATIONS**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Land dedication for the benefit of Academy School District No. 20 is anticipated to occur in lieu of fees at the time of plat recordation.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Brittan Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Creely	aye
Commissioner Risley	aye
Commissioner Brittain Jack	aye
Commissioner Moraes	aye
Commissioner Lucia-Treese	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: May 19, 2020

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Brian Risley, Chair

## EXHIBIT A

### BRANDING IRON AT STERLING RANCH FILING NO. 2 LEGAL DESCRIPTION

#### PARCEL A

A REPLAT OF TRACT K, "STERLING RANCH FILING NO. 1", AS RECORDED UNDER RECEPTION NO. 218714151 IN THE EL PASO COUNTY RECORDS,

SAID TRACT BEING A PORTION OF THE SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  AND THE NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  OF SECTION 33, T12S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO;

CONTAINING A CALCULATED AREA OF 822,466 SQUARE FEET (18.881 ACRES) MORE OR LESS.

#### PARCEL B

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE  $\frac{1}{4}$ ) OF SECTION 33, T12S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) OF SECTION 34; THENCE N76°49'42"W, A DISTANCE OF 3,343.70 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DINES BOULEVARD AS PLATTED ON "STERLING RANCH FILING NO. 1" WITH THE NORTHWESTERLY LINE OF THAT EASEMENT DESCRIBED UNDER RECEPTION NO. 218054783 IN THE RECORDS OF EL PASO COUNTY, BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE S76°19'20"W ALONG SAID EASEMENT LINE, 842.10 FEET;  
THENCE N13°40'40"W A DISTANCE OF 175.00 FEET;  
THENCE S76°19'20"W, A DISTANCE OF 63.45 FEET;  
THENCE N00°42'35"W A DISTANCE OF 539.36 FEET TO THE SOUTHERLY LINE OF LOT 4 OF "BARBARICK SUBDIVISION" AS RECORDED UNDER RECEPTION NO. 217713910 IN THE EL PASO COUNTY RECORDS;  
THENCE N89°17'25"E ALONG SAID SOUTHERLY LINE, 340.22 FEET TO THE NORTHWEST CORNER OF TRACT M OF AFORESAID "STERLING RANCH FILING NO. 1";  
THENCE ALONG THE BOUNDARY OF "STERLING RANCH FILING NO. 1" THE FOLLOWING NINE (9) COURSES:

- 1) THENCE S04°50'24"E A DISTANCE OF 20.00 FEET;
- 2) THENCE N85°09'36"E A DISTANCE OF 54.23 FEET;
- 3) THENCE N85°53'10"E A DISTANCE OF 59.92 FEET;
- 4) THENCE N80°21'06"E A DISTANCE OF 59.99 FEET;
- 5) THENCE N83°22'30"E A DISTANCE OF 194.64 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DINES BOULEVARD;

- 6) THENCE 85.14 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF  $8^{\circ}11'54''$ , A CHORD OF 85.07 FEET WHICH BEARS  $S27^{\circ}57'43''E$  TO A POINT OF TANGENT;
- 7) THENCE  $S32^{\circ}03'40''E$  A DISTANCE OF 152.06 FEET;
- 8) THENCE 134.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF  $18^{\circ}23'00''$ , A CHORD OF 134.18 FEET WHICH BEARS  $S22^{\circ}52'10''E$  TO A POINT OF TANGENT;
- 9) THENCE  $S13^{\circ}40'40''E$  A DISTANCE OF 198.90 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 508,060 SQUARE FEET (11.663 ACRES) MORE OR LESS.

NOTE 1:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 34, T12S, R65W OF THE 6TH P.M. AS MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624", SAID LINE BEARS  $N89^{\circ}14'14''E$ , A DISTANCE OF 2,722.56 FEET.



RESOLUTION NO. 20-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR BRANDING IRON AT STERLING RANCH FILING  
NO. 2 (SF-19-018)

WHEREAS, SR Land, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Branding Iron at Sterling Ranch Filing No. 2 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 19, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 9, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or

are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Branding Iron at Sterling Ranch Filing No. 2 Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

#### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.

5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$34,200 shall be paid at the time of final plat recordation.
11. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.
12. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement.

Building permits may not be authorized if the construction of Wheatland Drive and two lanes of Briargate Parkway are not open for public travel.

13. Drainage and bridge fees for the Sand Creek drainage basin, in the amounts of \$189,531.25 and \$55,628.52, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
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15. The construction drawings and the final drainage report (SF-19-018) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Branding Iron at Sterling Ranch Filing No. 2 final plat.
16. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

#### **NOTATIONS**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Land dedication for the benefit of Academy School District No. 20 is anticipated to occur in lieu of fees at the time of plat recordation.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9<sup>th</sup> day of June, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

**BRANDING IRON AT STERLING RANCH FILING NO. 2  
LEGAL DESCRIPTION**

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