

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



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.