

EL PASO

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)



COUNTY

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Jim Egbert, Chair

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

RE: Project File #: SF-17-024
Project Name: Branding Iron at Sterling Ranch Filing No. 1 Final Plat
Parcel No.: 52333-02-008

OWNER:	REPRESENTATIVE:
SR Land, Inc. 20 Boulder Crescent St., Suite 102 Colorado Springs, CO. 80903	N.E.S. Inc. Andrea Barlow 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO. 80903

Commissioner District: 2

Planning Commission Hearing Date:	11/20/2018
Board of County Commissioners Hearing Date	12/11/2018

EXECUTIVE SUMMARY

SR Land Inc., requests approval of a final plat to create 51 single-family lots and eight (8) tracts to be utilized for drainage, open space, trails, and utilities. The 10.55 acre parcel zoned RS-5000 (Residential Suburban) is located north of Dines Boulevard, south of the future extension of Briargate-Stapleton Parkway, and 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) planning areas.

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



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

The final plat, as requested, is consistent with the approved RS-5000 (Residential Suburban) zone district and preliminary plan. A finding of water sufficiency for water quality, quantity and dependability is requested with this plat request.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: SR Land, Inc. requests approval of a final plat for the Branding Iron at Sterling Ranch Filing No. 1 subdivision to create and authorize the development of 51 single-family lots, 2.16 acres of right- of-way, eight (8) tracts totaling 0.05 acres to be utilized for drainage, open space, non-motorized trail, and utilities.

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

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:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, Section 7.2.1.D.3 of the Land Development Code (2018) states that the Board of County Commissioners shall find that:

- 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)	Vacant
South: RS-5000 (Residential Suburban)	Vacant
East: RS-5000 (Residential Suburban)	Vacant
West: I-2 (Limited Industrial)	Industrial

E. BACKGROUND

The Sterling Ranch Sketch Plan (SKP-07-007), consisting of 1,443.70 acres includes an anticipated 5,500 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 was heard and approved by the Board of County Commissioners on November 18, 2008. A five (5) year expiration date was imposed on the application, which was subsequently extended via approval by the Board of County Commissioners.

The Sterling Ranch Metropolitan Districts Nos. 1, 2, and 3 were 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 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 property taxes 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 the 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 so that rezoning the property to conventional single-family and commercial zoning would function in a manner that could preserve the open space acreage and density that was 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. A 50-foot buffer is depicted adjacent to the industrial property to the west on the sketch plan.

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 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, tracts for open space, trail corridors, drainage, and public rights-of-way. Water sufficiency was not addressed at the preliminary plan stage. A 50-foot buffer adjacent to the industrial zoned property to the west was depicted on the preliminary plan.

A 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 provided a landscape plan with the Sterling Ranch Filing No. 1 master plat. A finding of water sufficiency for water quality, dependability, and duration was not made at the time of Sterling Ranch Filing No. 1 plat pursuant to platting of future development tracts in lieu of lots.

The Branding Iron at Sterling Ranch Filing No. 1 is a final plat of Sterling Ranch Filing No 1, Tract BB (future single-family development tract). The subject residential plat is adjacent to the 50-foot platted buffer between the industrial zoned

properties to the west. The developer has begun the installation of the fence and associated landscaping as depicted in the landscape plan approved with the master plat, which is in conformance with the sketch plan, rezone, preliminary plan, and master plat.

The subject plat will be accessed from Dines Boulevard which intersects Vollmer Road and is planned to intersect the future Sterling Ranch Road south of the subject plat and within the overall Sterling Ranch development. An easement has been provided to the Sterling Ranch Metropolitan District granting access to Dines Boulevard at its southern terminus by the developer, as a means of secondary (emergency) access until all necessary roadway improvements (in the proposed Sterling Ranch Filing No. 2) are completed by the developer and accepted by the County. Recommended Condition No. 12 requires the developer to construct the improvements pursuant to the subdivision improvement agreement recorded with the Sterling Ranch Filing No. 1 plat.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the final plat submittal requirements, the General Development Standards in Chapter 6, 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 (2018). The final plat is in conformance with the approved preliminary plan.

2. Zoning Compliance

The area within the proposed final plat is zoned RS-5000 (Residential Suburban). The density and dimensional standards of the RS-6000 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 if two-story; 45 percent if single-story

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 the approved Sterling Ranch Sketch Plan (SKP-07-007), map amendment (rezone) (P-15-001) from RR-5 (Residential Rural) to RS-5000 (Residential Suburban), map amendment (rezone) (CS-15-001) from RR-5 (Residential Rural) to CS (Commercial Service),

and the Sterling Ranch Preliminary Plan (SP-14-15). The proposed final plat application is consistent with those prior approvals.

4. Small Area Plan Analysis

The Branding Iron at Sterling Ranch Filing No. 1 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 previously approved Sterling Ranch Sketch Plan (SKP-07-007), map amendment (rezone) (P-15-001), map amendment (rezone) (CS-15-001), and the Sterling Ranch Preliminary Plan (SP-14-15). This final plat is consistent with those prior approvals.

5. Other Master Plan Elements

The proposed final plat is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996) and the El Paso County Major Transportation Corridors Plan Update (2016). The adjacent Sand Creek channel and riparian corridor are proposed to be preserved via an open space, drainage, and trail corridor tract(s). The El Paso County Parks Master Plan (2014) identifies a Tier One trail within the adjacent Sand Creek channel and riparian corridor. The Master Plan for Mineral Extraction (1996) does not identify any valued deposits within the final plat area that would preclude development.

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 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 hazard mitigation via a note 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 hazard areas 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 hazards 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 08041C0535F, as modified by a FEMA Letter of Map Revision (LOMR), 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 \$85,783.58 and \$25,988.15, 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) currently under review. 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.

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. Sterling Ranch Filing No. 1 Condition of Approval No.12 (carried through from the Sterling Ranch rezone) requires that the MDDP be approved prior to replatting of any tracts within Sterling Ranch Filing No. 1, including the Branding Iron at Sterling Ranch Filing No. 1 tract. 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 to stabilize the banks adjacent to the development at a minimum (reference Sterling Ranch Filing No. 1 Condition of Approval No.14).

The Engineering Criteria Manual (ECM) Section I.7.1.B requires that for new development or significant redevelopment sites, "All sites that include total development/redevelopment areas of one (1) acre or larger except developments with low density (rural) housing (2.5 acre or larger lots). Water Quality Capture Volume (WQCV), as discussed later in Drainage Criteria Manual (DCM2), shall be provided for the total site or individual lots/parcels." A deviation request for portions of rear yards not draining to a permanent water quality facility, but to a temporary facility until the time of future construction of a permanent WQCV facility, has been approved with this plat request.

5. Transportation

The Branding Iron at Sterling Ranch Filing No. 1 development is located at the south corner of the Vollmer Road and Dines Boulevard intersection. The applicant is proposing internal local urban roads accessing Dines Boulevard, which is currently under construction with Sterling Ranch Filing No. 1. Additional access will be provided from Briargate Parkway via Wheatland Drive, both being constructed with Sterling Ranch Filing No. 1, and Marksheffel Road via Sterling Ranch Road, which will both be constructed with Sterling Ranch Filing No. 2, currently under review. 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. 1, which will also be subject to the County Road Impact Fee Program. The developer proposes to enter the development into the program's PID#3. 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 required second point of access for Branding Iron at Sterling Ranch is Marksheffel Road as mentioned above. At this time the developer is proposing an interim condition with Marksheffel Road as an interim emergency access via an easement.

The developer of Branding Iron at Sterling Ranch Filing No. 1 is proposing to construct approximately 1,450 linear feet of urban local roads within the

subdivision. The subdivision roads will be accepted for County maintenance once completed to County standards.

No transportation deviations have been requested with this final plat.

H. SERVICES

1. Water The site is proposed to be served by Sterling Ranch Metropolitan District.

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The County Attorney's Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. Recommended Condition of Approval No. 15 requires final approval by the Colorado Department of Public Health and Environment (CDPHE). El Paso County Public Health has also made a favorable recommendation regarding water quality.

2. Sanitation

The development is proposed to be served by Sterling Ranch Metropolitan District. El Paso County Public Health has reviewed the wastewater report submitted with this application and has no concerns.

3. Emergency Services

Black Forest Fire Protection District has committed to serve the development.

4. Utilities

Mountain View Electric Association will provide electrical service to the development. Colorado Springs Utilities will supply the natural gas service to the development. Public utility easements, as applicable, are depicted on the final plat.

5. Metropolitan Districts

The plat is within Sterling Ranch Metropolitan District No. 2. District No. 2 will be responsible for building the public improvements, trails, and amenities within the open space shown on this plat. After the completion of those improvements, District No. 1 will be responsible for ongoing maintenance of the trails, open space amenities, and the public roads until preliminary acceptance of the public improvements by the County.

6. Parks/Trails

Regional park (Area 2) fees in the amount of \$21,930 and Urban park fees (Area 3) in the amount of \$13,872 in lieu of land dedication shall be paid at the time of final plat recordation.

7. Schools

School fees in the amount of \$12,240 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Falcon School District No. 49.

I. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no issues or concerns. The overall MDDP has not been approved as of the time of staff report preparation; however, it is anticipated to be approved prior to the Planning Commission hearing date.

K. CONDITIONS AND NOTATION

Should the Planning Commission and 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 (2018), staff recommends the following conditions and notation:

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. 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 to access a gravel road built to County road standards will be required for each access from Drover Canyon Lane and Silverado Hill Loop. 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 El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public and private 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. 16-454), 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 the amount of \$21,930 in lieu of land dedication for regional parks (Area 2) and urban park (Area 3) fees in the amount of \$13,872 shall be paid at the time of plat recordation.
11. Fees in the amount of \$12,240 in lieu of school land dedication shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of final plat recordation.

12. The final plat for Branding Iron at Sterling Ranch Filing No. 1 shall not be recorded until the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat have been complied with.
13. An escrow agreement, including a financial assurance estimate for the offsite intersection improvements to Vollmer Road, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed at the time of final plat recordation. A fair share contribution toward the offsite improvements, based on proportional calculated traffic generation shall be deposited in conjunction with the final plat recordation. This condition shall not apply if prior to plat recordation, signal improvements have been addressed, through the road impact fee program.
14. The following requirements shall be met prior to scheduling this final plat for Board of County Commissioners hearing:
 - a. In accordance with the conditions of approval of the Sterling Ranch rezoning (Resolution No. 15-146), and Sterling Ranch Filing No. 1 Final Plat (Resolution No. 18-058), a Master Development Drainage Plan (MDDP) for the complete Sterling Ranch development shall be submitted and approved.
 - b. The construction drawings for Sterling Ranch Filing No. 2, including Marksheffel Road, Vollmer Road, Sterling Ranch Road, and storm drainage improvements, as well as the corresponding Financial Assurance Estimate, shall be submitted and approved; or construction drawings and an access permit for the proposed interim emergency access to Vollmer Road shall be provided and approved.
15. The final plat shall not be recorded until Colorado Department of Public Health and Environment (CDPHE) has provided final approval of the Technical, Managerial, and Financial (TMF) Capacity Assessment Report and the project engineer certifies that the system has been constructed in accordance with the approval to construct and the final design plans and specifications.
16. The intersection of Dines Boulevard and Vollmer Road must be completed and suitable for preliminary County acceptance prior to issuance of a certificate of occupancy for the individual lots.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on November 1, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Parcel Information

PARCEL	NAME
5233302008	SR LAND LLC

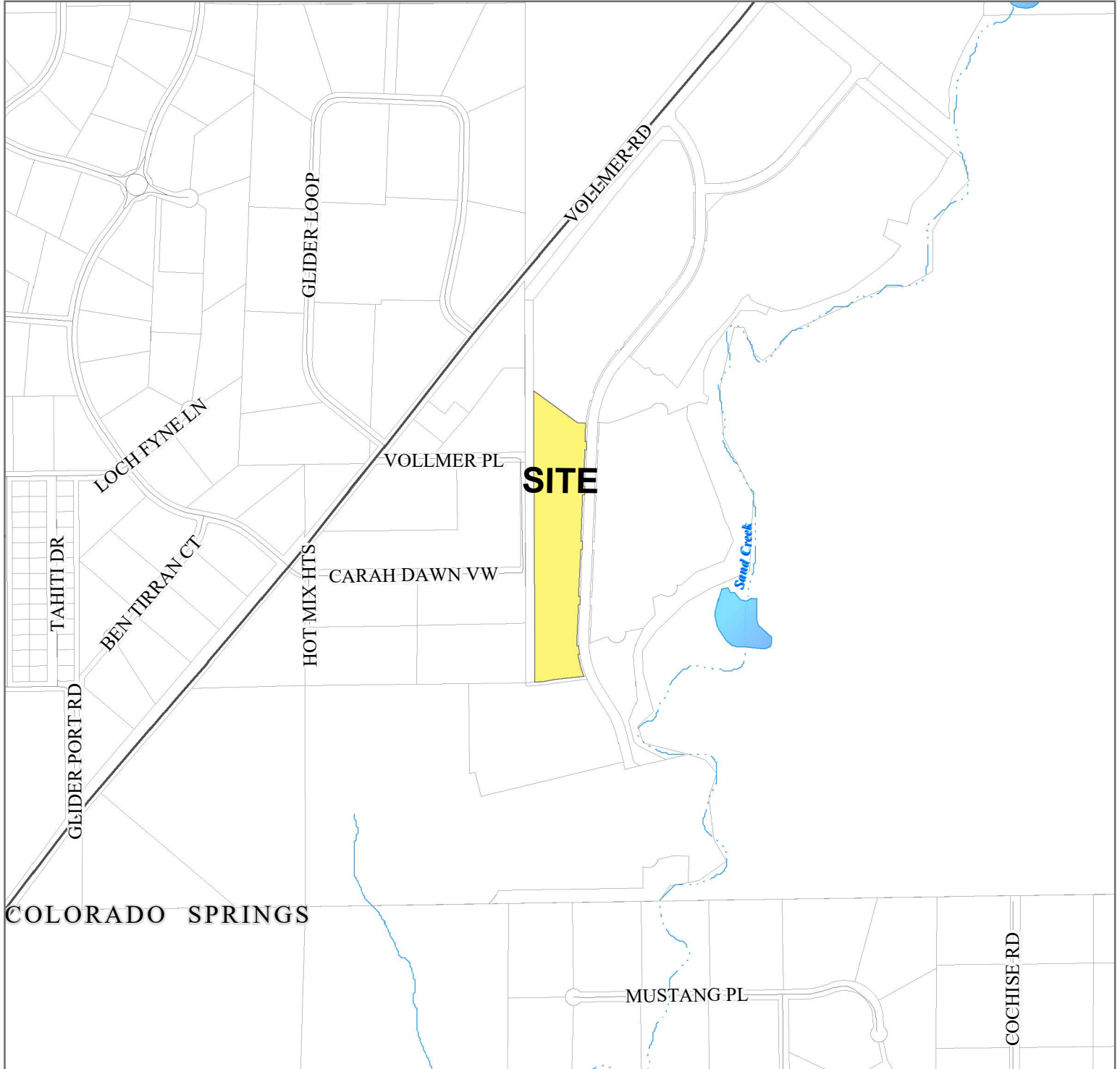
File Name: SF-17-024

Zone Map No.: --

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

ZIP	ZIPUS
80903	3300

Date: September 18, 2018



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
95 520-6600



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**Sterling Ranch
Letter of Intent**

Branding Iron at Sterling Ranch Filing No. 1, a Replat of Tract BB, Sterling Ranch Filing No. 1 as recorded at Reception No. 218714151 in the Office of the Clerk and Recorder of El Paso County, Colorado.

October 31, 2018

Owners/Applicants: SR Land, LLC
20 Boulder Crescent Street
Colorado Springs, CO 80903
(719) 471-1742

Consultants: N.E.S. Inc.
619 North Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719) 471-0073
(719) 471-0267

P. J. Anderson
31 North Tejon Street, Suite 500
Colorado Springs, CO 80903
(719) 331-2732
(719) 633/2926 (Fax)
Email: pja5713@gmail.com

Engineering: M&S Civil Consultants, Inc.
20 Boulder Crescent, Suite 110
Colorado Springs, CO 80903
(719) 955-5485

Site Location: Branding Iron at Sterling Ranch Filing No. 1 is located northeast of Vollmer Road and Marksheffel Road, in El Paso County.

Request.: A request by SR Land, LLC (52333-02-008) for approval of the Branding Iron at Sterling Ranch Filing No. 1 Final Plat, a replat of Tract BB, Sterling Ranch Filing No. 1 Final Plat, as recorded at Reception No. 218714151 in the Office of the Clerk and Recorder of El Paso County, Colorado.

Tax Schedule Number: 52333-02-008

Plat and Site Information: The Branding Iron at Sterling Ranch Filing No. 1 Final Plat (the “Final Plat”) will create fifty-one single family dwelling units. The Final Plat is a replat of a Master Pad Site, Tract BB, as contemplated in Sterling Ranch Filing No. 1. The Final Plat contains approximately 10.545 acres and is wholly within and 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. 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 lots (8.384 acres), streets (2.161 acres) and ten tracts containing a total of 0.050 acres for landscaping, public improvements, public utility and trail purposes. 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. There are no new grading or SWMP plans for Branding Iron at Sterling Ranch Filing No. 1. The grading plans approved in 2015 continue to be utilized.

Justification for Request:

- **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 which 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.

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 will be constructed on Tract CC, Sterling Ranch Filing No. 1, to serve this particular replat of Tract BB 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.

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 Sterling Ranch no later than three years from the date of recording of Sterling Ranch Filing No. 1 as required in the Subdivision Improvements Agreement for said Filing No. 1. Certain intersection and turn lane improvements to Vollmer Road, as more particularly described in the approved Construction Drawings for Sterling Ranch Filing No. 1, are being constructed to serve this replat of Tract BB. Also, portions of Sterling Ranch Road and Marksheffel Road, as more particularly described in Sterling Ranch Filing No. 2, now under review by the County, are currently being constructed to provide a second means of access to this replat of Tract BB. In the event that portions of the Vollmer Road, Sterling Ranch Road or Marksheffel Road improvements necessary to serve the replat of Tract BB are not completed prior to

recording of the said replat, then prior to such recording collateral sufficient in the opinion of the County to assure completion of the improvements must be posted by the Subdivider.

Early Grading: Pursuant to previously approved grading and erosion control plans (on-site November 18, 2015 and off-site December 3, 2015), a significant amount of grading has been completed for the improvements to be constructed as part of this Final Plat.

Other:

- It is understood and agreed that applicable traffic impact fees in accordance with the County Road Impact Fee Program Resolution (Resolution No. 12-382) will be paid at or prior to the time of building permit submittals. The applicant elects to include the property into the ten mil El Paso County Public Improvement District No. 2. The recommended plat note will be added to the Final Plat and 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 provided to EPC for the "Branding Iron at Sterling Ranch Emergency Access Road Plans". Per the approved Sketch Plan and Preliminary Plan for this subdivision, ultimately it is contemplated that the completed roads will be dedicated to El Paso County for acceptance and maintenance upon the approval of Sterling Ranch Filing No. 2, now under review by the County. At such time the attached Easement Agreement will terminate.

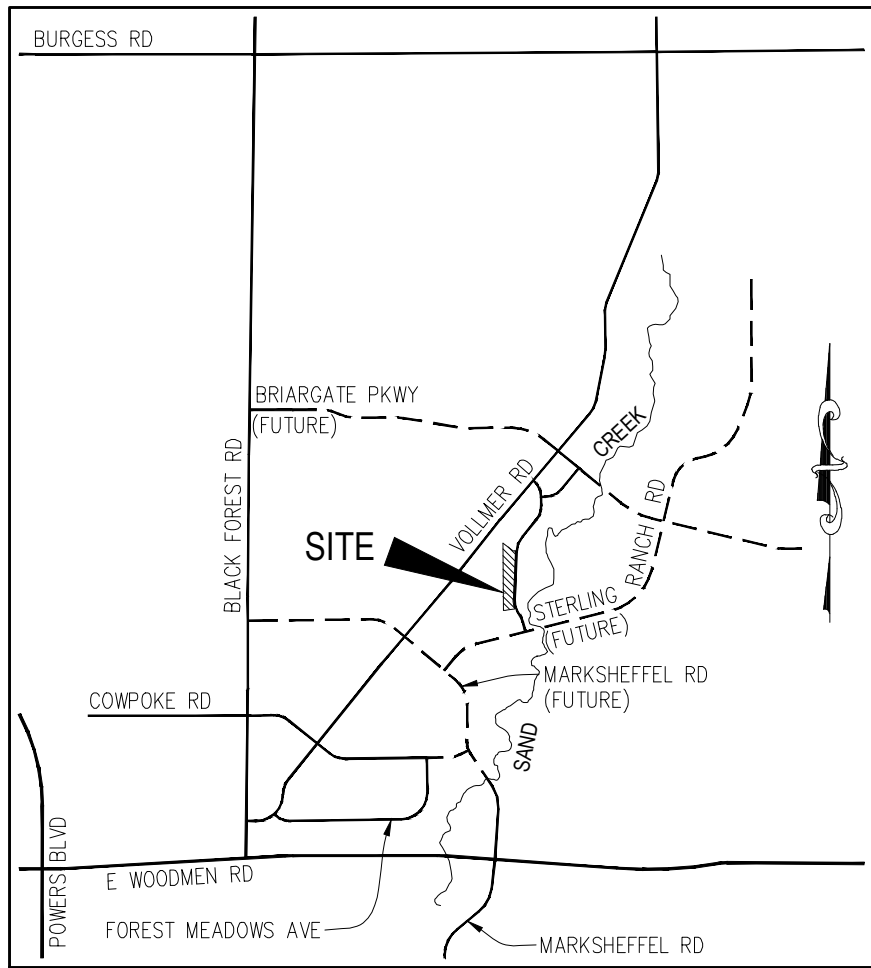
Districts Serving the Property:

- 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, wastewater, stormwater and parks and recreation services to be provided by Sterling Ranch Metropolitan District No. 1

BRANDING IRON AT STERLING RANCH FILING NO. 1

A REPLAT OF TRACT BB, "STERLING RANCH FILING NO. 1", SAID TRACT BEING A PORTION OF THE E ½ W ½ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

PLAT NOTES: (CONTINUED)



VICINITY MAP
N.T.S.

PLAT NOTES: (CONTINUED)

- THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND 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: LOTS 25, 32, 33, 34, 37, 38, 41, 42, 48, 49, AND 50
- THERE SHALL BE NO DIRECT RESIDENTIAL LOT ACCESS TO DINES BOULEVARD.
- A PRIVATE DETENTION POND MAINTENANCE AGREEMENT FOR PONDS, W9, 4 & 8 IS RECORDED UNDER REC. NO. 218061178, REC. NO. 218061179, & REC. NO. 218061180, OF THE RECORDS OF EL PASO COUNTY.
- A RIGHT-OF-WAY LANDSCAPE LICENSE AGREEMENT IS RECORDED UNDER REC. NO. 218061176, OF THE RECORDS OF EL PASO COUNTY.
- A LANDSCAPE EXHIBIT IS RECORDED UNDER REC. NO. 218061176, OF THE RECORDS OF EL PASO COUNTY.
- A MOUNTAIN VIEW ELECTRIC ASSOCIATION GRANT OF RIGHT-OF-WAY EASEMENT IS RECORDED UNDER REC. NO. 218054783, OF THE RECORDS OF EL PASO COUNTY.
- A RIGHT OF WAY AGREEMENT IS RECORDED UNDER REC. NO. 205161563, OF THE RECORDS OF EL PASO COUNTY.
- A PERMANENT EASEMENT AGREEMENT IS RECORDED UNDER REC. NO. 201034022, OF THE RECORDS OF EL PASO COUNTY.
- A AGREEMENT TO GRANT ACCESS AND UTILITY EASEMENTS IS RECORDED UNDER REC. NO. 214100440, OF THE RECORDS OF EL PASO COUNTY.
- A AGREEMENT TO GRANT ACCESS AND UTILITY EASEMENTS IS RECORDED UNDER REC. NO. 214100441, AND AMENDED UNDER REC. NO. 216043584, OF THE RECORDS OF EL PASO COUNTY.
- A AGREEMENT TO GRANT OF EASEMENTS IS RECORDED UNDER REC. NO. 214100442, AND AMENDED UNDER REC. NO. 216043585, OF THE RECORDS OF EL PASO COUNTY.
- 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.
- 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.
- A AGREEMENT TO GRANT ACCESS EASEMENT IS RECORDED UNDER REC. NO. _____, OF THE RECORDS OF EL PASO COUNTY.
- THE PROPERTY IS SUBJECT TO THE ESCROW AGREEMENT RECORDED UNDER REC. NO. _____, OF THE EL PASO COUNTY RECORDS.

TRACT TABLE				
TRACT	SIZE (ACRES)	USE	MAINTENANCE	OWNERSHIP
A	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
B	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
C	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
D	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
E	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
F	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
G	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
H	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
I	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
J	0.005	LANDSCAPE/PUBLIC IMPROVEMENTS/PUBLIC UTILITY/TRAIL	SRMD#1	SRMD#1
*SRMD#1 = STERLING RANCH METROPOLITAN DISTRICT NO. 1				

BE IT KNOWN BY THESE PRESENTS:

THAT SR LAND, LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

LEGAL DESCRIPTION:

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

SAID TRACT BEING A PORTION OF THE E ½ W ½ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

CONTAINING A CALCULATED AREA OF 459,341 SQUARE FEET (10.545 ACRES) MORE OR LESS.

ACCEPTANCE CERTIFICATE FOR TRACTS:

THE DEDICATION OF TRACTS A, B, C, D, E, F, G, H, I, AND J ARE FOR LANDSCAPE PURPOSES, DRAINAGE, PEDESTRIAN ACCESS, OPEN SPACE, AND UTILITIES PURPOSES AND ARE HEREBY ACCEPTED FOR OWNERSHIP AND MAINTENANCE BY STERLING RANCH METROPOLITAN DISTRICT NO. 1.

BY _____
AS _____ OF STERLING RANCH METROPOLITAN DISTRICT NO. 1

STATE OF COLORADO }
COUNTY OF EL PASO } SS

ACKNOWLEDGED BEFORE ME THIS THIS _____ DAY OF _____, 2018, A.D.
BY _____
OF STERLING RANCH METROPOLITAN DISTRICT NO. 1

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC _____

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. 1". ALL PUBLIC 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 HAS
EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2018, A.D.

BY: _____

PRINTED NAME: _____

AS: _____ OF SR LAND, LLC

STATE OF COLORADO }
COUNTY OF EL PASO } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS THIS _____ DAY
OF _____, 2018, A.D. BY _____
AS _____ OF SR LAND, LLC.

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC _____

PLAT NOTES:

- 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.
- FLOODPLAIN STATEMENT:**
NO PORTION OF THIS SITE IS LOCATED WITHIN A DESIGNATED FEMA FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY MAP NUMBER 08041C0535F, EFFECTIVE DATE MARCH 17, 1997.

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 1:10,000; 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 _____, 2018.

VERNON P. TAYLOR
COLORADO PLS NO. 25966, FOR AND
ON BEHALF OF M&S CIVIL CONSULTANTS, INC
20 BOULDER CRESCENT, SUITE 110
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 "HOMESTEAD AT STERLING RANCH FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THIS _____ DAY OF _____, 2018, SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT _____ DATE _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR "BRANDING IRON AT STERLING RANCH FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS _____ DAY OF _____, 2018. 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.

PRESIDENT, 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 _____, 2018, 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 FEE: _____
BRIDGE FEE: _____
SCHOOL FEE: _____
PARK FEE: _____

SUMMARY:

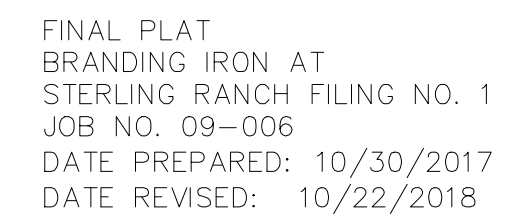
51 LOTS	8.334 ACRES	79.03%
10 TRACTS	0.050 ACRES	0.47%
RIGHTS-OF-WAY	2.161 ACRES	20.50%
TOTAL	10.545 ACRES	100.00%

FINAL PLAT
BRANDING IRON AT
STERLING RANCH FILING NO. 1
JOB NO. 09-006
DATE PREPARED: 10/30/2017
DATE REVISED: 10/22/2018



20 BOULDER CRESCENT, SUITE 110
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5465

A REPLAT OF TRACT BB, "STERLING RANCH FILING NO. 1", SAID TRACT BEING A PORTION OF THE E ½ W ½ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



20 BOULDER CRESCENT, SUITE 110
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

BRANDING IRON AT STERLING RANCH FILING NO. 1

A REPLAT OF TRACT BB, "STERLING RANCH FILING NO. 1", SAID TRACT BEING A PORTION OF THE E 1/2 W 1/2 OF SECTION 33,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

MCCLINTOCK STATION
BOOK H-3 PAGE 9
RECEPTION NO. 458284

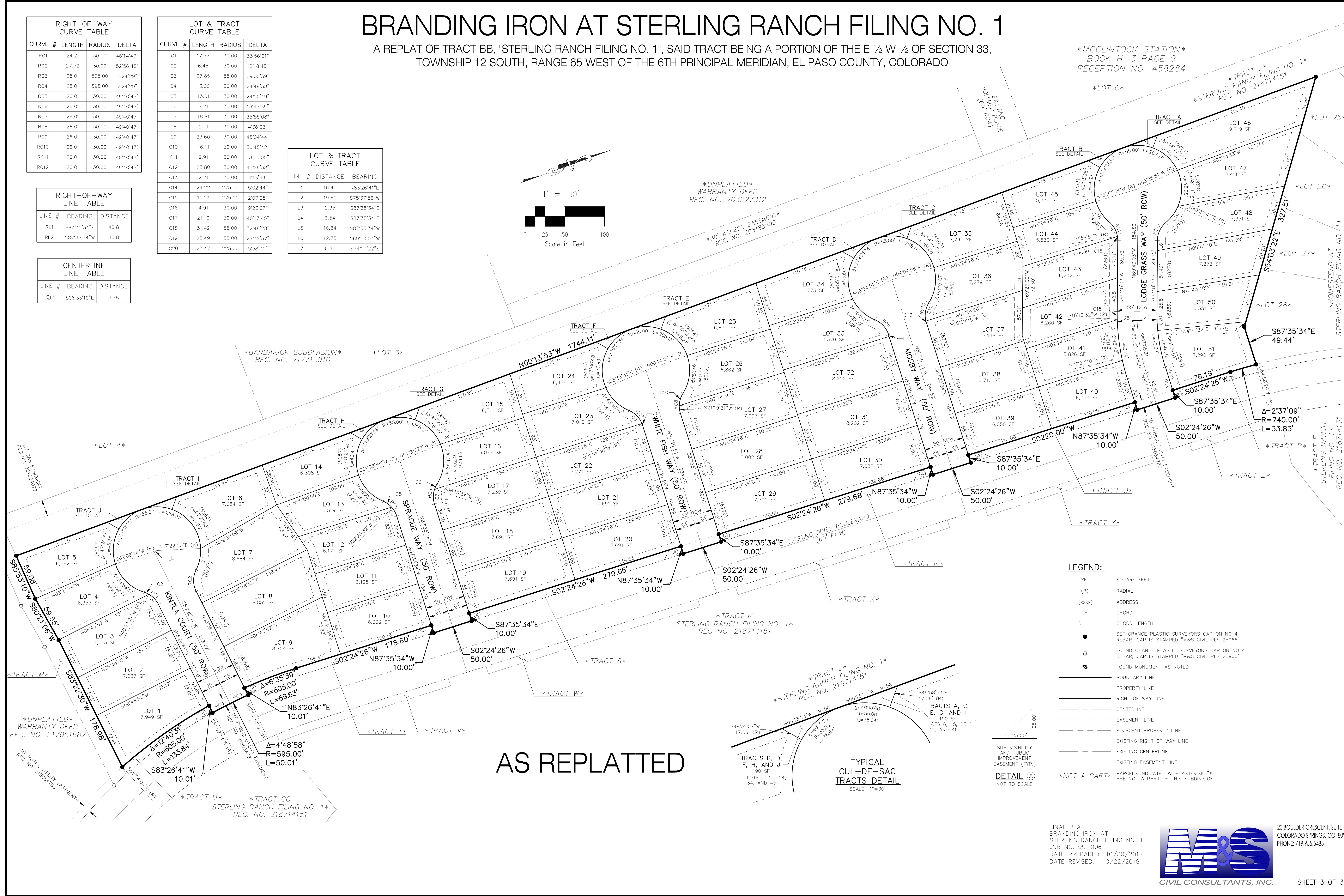
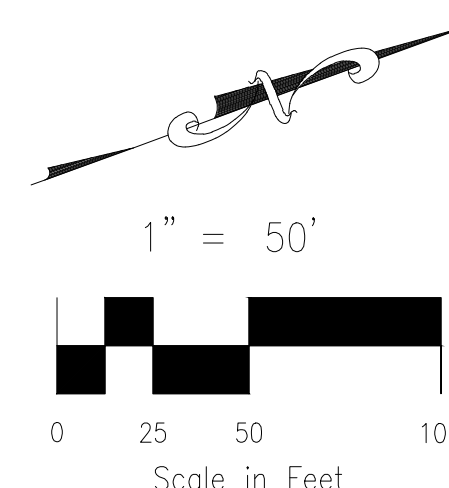
RIGHT-OF-WAY CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
RC1	24.21	30.00	46°14'47"
RC2	27.72	30.00	52°56'48"
RC3	25.01	595.00	2°24'29"
RC4	25.01	595.00	2°24'29"
RC5	26.01	30.00	49°40'47"
RC6	26.01	30.00	49°40'47"
RC7	26.01	30.00	49°40'47"
RC8	26.01	30.00	49°40'47"
RC9	26.01	30.00	49°40'47"
RC10	26.01	30.00	49°40'47"
RC11	26.01	30.00	49°40'47"
RC12	26.01	30.00	49°40'47"

LOT & TRACT CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	17.77	30.00	33°56'01"
C2	6.45	30.00	12°18'45"
C3	27.85	55.00	29°00'39"
C4	13.00	30.00	24°49'58"
C5	13.01	30.00	24°50'49"
C6	7.21	30.00	13°45'39"
C7	18.81	30.00	35°55'08"
C8	2.41	30.00	4°36'03"
C9	23.60	30.00	45°04'44"
C10	16.11	30.00	30°45'42"
C11	9.91	30.00	18°55'05"
C12	23.80	30.00	45°26'58"
C13	2.21	30.00	4°13'49"
C14	24.22	275.00	5°02'44"
C15	10.19	275.00	2°07'25"
C16	4.91	30.00	9°23'07"
C17	21.10	30.00	40°17'40"
C18	31.49	55.00	32°48'28"
C19	25.49	55.00	26°32'57"
C20	23.47	225.00	5°58'35"

LOT & TRACT CURVE TABLE		
LINE #	DISTANCE	BEARING
L1	16.45	N83°26'41"E
L2	19.80	S75°37'56"W
L3	2.35	S87°35'34"E
L4	6.54	S87°35'34"E
L5	16.84	N87°35'34"W
L6	12.75	S69°40'03"W
L7	6.82	S54°03'22"E

RIGHT-OF-WAY LINE TABLE		
LINE #	BEARING	DISTANCE
RL1	S87°35'34"E	40.81
RL2	N87°35'34"W	40.81

CENTERLINE LINE TABLE		
LINE #	BEARING	DISTANCE
CL1	S06°33'19"E	3.78



LEGEND:

SF	SQUARE FEET
(R)	RADIAL
(xxxx)	ADDRESS
CH	CHORD
CH L	CHORD LENGTH
●	SET ORANGE PLASTIC SURVEYORS CAP ON NO 4 REBAR, CAP IS STAMPED "M&S CIVIL PLS 25966"
○	FOUND ORANGE PLASTIC SURVEYORS CAP ON NO 4 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 LINE
NOT A PART	PARCELS INDICATED WITH ASTERISK "*" ARE NOT A PART OF THIS SUBDIVISION

FINAL PLAT
BRANDING IRON AT
STERLING RANCH FILING NO. 1
JOB NO. 09-006
DATE PREPARED: 10/30/2017
DATE REVISED: 10/22/2018



20 BOULDER CRESCENT, SUITE 110
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5465



September 5, 2018

Ms. Kari Parsons
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Branding Iron at Sterling Ranch Filing No. 1
Final Plat
Sec. 33, Twp. 12S, Rng. 65W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24193

Dear Ms. Parsons,

We have received additional information concerning the above-referenced submittal to divide a 10.545 +/- acre tract of land (Tract BB, Sterling Ranch Filing No. 1) into 51 single-family lots, which appears to be located within the Sterling Ranch Phase I Preliminary Plan for which this office most recently provided comments dated March 19, 2015. Per correspondence from the Applicant, the 51 single-family lots are a portion of the 457 residential lots and 6 commercial lots in the Sterling Ranch Phase I Preliminary Plan. 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 additional information received by this office, the estimated water demand for the development is 17.85 acre-feet/year for 61 residential lots (0.35 acre-feet/year per residential lot), which is a portion of the total estimated water demand of 201.11 acre-feet/year for Sterling Ranch Phase I Preliminary Plan.

Source of Water Supply

The proposed water supplier is Sterling Ranch Metropolitan District No. 1 ("District") and a December 4, 2017 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
Total			111,440	1,114.4	371.47

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.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, available on the website for the Colorado Division of Water Resources at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

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: Bill Tyner, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

First Assistant County Attorney
Diana K. May

Amy R. Folsom, County Attorney

Assistant County Attorneys
M. Cole Emmons
Lori L. Seago
Kenneth R. Hodges
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November 8, 2018

SF-17-24 Branding Iron at Sterling Ranch Filing No. 1
Final Plat

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 10.545 acres into 51 single-family residential lots. Applicant's property is zoned RS-5000 (Residential Suburban). This filing is a portion of the Sterling Ranch Preliminary Plan approved by the Board of County Commissioners on May 26, 2015.

2. The Applicant has provided for the source of water to come from a central water system – Sterling Ranch Metropolitan District No. 1 (hereinafter "District"). The Applicant estimates its annual water requirements to serve 51 single family lots at 17.85 acre-feet annually (0.35 acre-feet per lot). The Applicant will need to provide a supply of 5,355 acre-feet of water (17.85 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 Phase One dated May 2015 details the source of the water supply for the District. 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-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.

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4. In a letter dated December 4, 2017, James Morley, President, states that the District commits to providing water service to the subdivision and specifically commits to "the fifty-one single family residential lots in Branding Iron at Sterling Ranch Filing No. 1, with an annual water requirement of 17.85 acre feet The District has the existing legal and physical water supply to meet the expected demand."

5. In a letter dated September 5, 2018, the State Engineer's Office reviewed the submittal to subdivide the 10.545 +/- acres of land into 51 residential lots.¹ Pursuant to the Water Supply Information Summary, the State Engineer's Office reviewed the submittal based on water requirements of 0.35 acre-feet/year for household use for a total estimated water demand of 17.85 acre-feet per year for the subdivision. The State Engineer reviewed the available water supply of the District pursuant to the decrees and the District's Water Resources Report dated May 2015, 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" which encompasses 457 residential lots and commercial parcels. Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply "can be provided without injury to existing water rights."

6. The water quality requirements of Section 8.4.7.B.10 of the El Paso County Land Development Code must be satisfied.

7. Analysis: Based on the information provided in the Water Supply Information Summary, the Water Resources Report dated May 2015, and the District's commitment to serve the Branding Iron at Sterling Ranch subdivision at the amount of 17.85 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

Based on the information contained in JDS Hydro's Water Resources and Wastewater Report dated May 2015, the Sterling Ranch Metropolitan District No. 1 is in the process of putting its water and wastewater infrastructure in place. The November 2017 Addendum to the Water Resources Report states that the District drilled 2 deep wells in the spring of 2017 (Well Permit No. 80131-F (Arapahoe aquifer) and 80132-F (Laramie-Fox Hills aquifer)). The District also indicates it completed a 1,000,000 gallon water storage tank and main delivery lines to the initially platted areas. The Addendum also indicates the District has begun construction of a lift station and force main and the District "anticipates completion of both prior to recordation of ... final plats."

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

¹ Note: The State Engineer's Office correctly indicates the subdivision encompasses 51 lots in paragraph 1, but incorrectly states the number of lots as "61" in paragraph two. Since the math in paragraph 2 corresponds with the correct number of 51 lots – the balance of this analysis will indicate 51 lots.

Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

A. Prior to recording the final plat, Applicant shall provide an engineer's certification that all Sterling Ranch Metropolitan District No. 1 infrastructure necessary to serve the subdivision has been constructed in accordance with CDPHE construction approval and final design plans and specifications.

B. The following plat note shall be added to the face of the final plat:

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 Environment 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.

C. 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 II