

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR FOURSQUARE AT STERLING RANCH EAST FILING NO. 1
(SF-22-36)

WHEREAS, Classic SRJ 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 Foursquare at Sterling Ranch East Filing No. 1 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Department Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on December 11, 2023, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Department Executive Director.

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2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Department Director.
3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen (14) day time period to submit comments.
4. All exhibits were received into evidence.
5. The subdivision is in 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. At a public hearing on the preliminary plan held on June 20, 2023, the Board found that 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 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 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 Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Department Director, therefore, APPROVES the Final Plat application for Foursquare at Sterling Ranch East Filing No 1.

The following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the Final 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 Final 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 Final 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 Final 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 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 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 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 improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
9. A License Agreement shall be filed at the time of Final Plat recordation if needed for any landscaping, street lights, mail kiosks, underdrain system, or other private or district facilities to be located in the County right-of-way.

10. The Detention Basin/Permanent BMP Maintenance Agreement, including the O&M manual, shall be signed and returned prior to construction and filed at the time of final plat recordation.
11. 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. 19-471), 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.
12. Park fees in lieu of land dedication for Regional Park Area 2, in the amount of \$72,680.00 and Urban Park Areas 2 and 3 in the amount of \$45,820.00 shall be paid at the time of Final Plat recordation.
13. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 4/25/2023, as provided by the County Attorney's Office.
14. Drainage fees and bridge fees for the Sand Creek drainage basin, in the amounts of \$333,184.33 and \$136,275.34, respectively, apply to this subdivision. In accordance with the Development Agreement recorded at reception number 222098865 (PCD project number DA221), collateral for the Sand Creek Channel Improvements (PCD project number CDR204) has been provided, which collateral satisfies the requirements of LDC Section 8.5.5(C)(3)(b)(ii) and offsets the drainage fees. Collateral shall be provided for the Briargate Parkway bridge (PCD project number CDR2113) in order to offset the bridge fees.
15. All engineering documents, reports and plans associated with this Final Plat application shall be approved by the Department of Public Works prior to construction of public improvements and recording of Final Plat.
16. Because Sterling Ranch East Filing No. 1, Sterling Ranch East Filing No. 2, and FourSquare at Sterling Ranch are dependent on public improvements between them, approvals of all construction drawings, agreements, and financial assurances for all three subdivisions are required prior to recording any of the three plats.
 - a. Financial assurances for the construction of Briargate Parkway from Sand Creek to Sterling Ranch Road (CDR221) shall be provided prior to recording any of these three final plats.
 - b. Financial assurances for the construction of the Briargate Parkway Bridge over Sand Creek (CDR2113) shall be provided prior to recording any of these three final plats.

17. All existing utility easements underlying proposed County rights-of-way shall be vacated or subordinated to the County rights-of-way prior to preliminary acceptance of rights-of-way or an alternative accepted by the County Engineer.

NOTATIONS

1. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
2. Academy District 20 is requesting land dedication in lieu of fees within the overall Sterling Ranch Sketch Plan Area.

DONE THIS 11th day of December 2023 at Colorado Springs, Colorado.

Meggan Herington, Executive Director
El Paso County Planning and Community Development Department

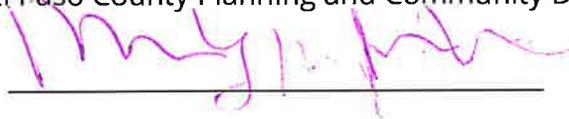


EXHIBIT A
Legal Description

LEGAL DESCRIPTION: FOURSQUARE AT STERLING RANCH EAST FILING NO. 1

A PARCEL OF LAND BEING A PORTION OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE CENTER-EAST ONE-SIXTEENTH CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR N89°08'28"E, A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST ONE-SIXTEENTH CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO, SAID POINT BEING THE SOUTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE S19°38'14"E, A DISTANCE OF 3075.46 FEET TO THE POINT OF BEGINNING;

THENCE S50°26'12"E, A DISTANCE OF 587.17 FEET TO A POINT OF CURVE;
THENCE ON A CURVE TO THE LEFT, HAVING A DELTA OF 26°05'19", A RADIUS OF 175.00 FEET, AND A DISTANCE OF 79.68 FEET TO A POINT OF TANGENT;
THENCE S76°31'31"E, A DISTANCE OF 326.08 FEET;
THENCE S13°28'29"W, A DISTANCE OF 316.54 FEET;
THENCE S76°31'31"E, A DISTANCE OF 864.70 FEET;
THENCE S13°28'29"W, A DISTANCE OF 564.46 FEET;
THENCE N76°31'31"W, A DISTANCE OF 829.70 FEET;
THENCE N31°31'31"W, A DISTANCE OF 49.50 FEET;
THENCE N13°28'29"E, A DISTANCE OF 10.00 FEET;
THENCE N76°31'31"W, A DISTANCE OF 80.00 FEET;
THENCE S13°28'29"W, A DISTANCE OF 10.00 FEET;
THENCE S58°28'13"W, A DISTANCE OF 49.50 FEET;
THENCE N76°31'31"W, A DISTANCE OF 232.56 FEET TO A POINT OF CURVE;
THENCE ON A CURVE TO THE RIGHT, HAVING A DELTA OF 26°05'19", A RADIUS OF 1,935.00 FEET, AND A DISTANCE OF 881.07 FEET TO A POINT OF TANGENT;
THENCE N50°26'12"W, A DISTANCE OF 161.33 FEET;
THENCE N05°26'12"W, A DISTANCE OF 28.28 FEET;
THENCE N39°33'48"E, A DISTANCE OF 960.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 36.647 ACRES (1,596,330 SF).