

Sterling Ranch Sketch Plan

**Morley-Bentley Investments, LLC
El Paso County, Colorado**

**August 25, 2008
Revision**



Prepared By
N.E.S. Inc. 508 S. Tejon St.
Colorado Springs, CO 80903



BOCC

RESOLUTION NO. 08-476

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

SKETCH PLAN FOR STERLING RANCH (SKP-07-007)-MORLEY-BENTLEY INVESTMENTS, LLC

WHEREAS, Morley-Bentley Investments, LLC, did file an application with the El Paso County Development Services Division, for the approval of the Sterling Ranch Sketch Plan for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 7, 2008, upon which date the Planning Commission did by formal resolution recommend approval of the subject Sketch Plan with conditions and notations; and

WHEREAS, a public hearing was held by this Board on November 13, 2008; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Division, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and Board of County Commissioners.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at that hearing.
3. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
4. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
5. That the proposed subdivision is in conformance with the requirements of the Land Development Code.

6. That the proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area.
7. That services are or will be available to meet the needs of the subdivision including roads, police and fire protection, schools, recreation facilities, and utility service facilities.
8. That the soil is suitable for the subdivision.
9. That the geologic hazards do not prohibit the subdivision, or can be mitigated.
10. That the subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§34-1-302(1), et seq.].
11. That the design of the subdivision protects the natural resources or unique landforms.
12. That the proposed methods for fire protection are adequate to serve the subdivision.
13. That the subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.
14. That for the above-stated and other reasons, the proposed Sketch Plan is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Sterling Ranch Sketch Plan as submitted by Morley-Bentley Investments, LLC, for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

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

CONDITIONS:

1. 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.
2. 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 Planned Unit Development (PUD). To the extent applicant brings forward a Rezoning and Preliminary Plan that contemplates a zoning classification other than PUD, the Development Services Division 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.
3. At the PUD and subdivision stages, particular attention shall be paid to providing functional, safe, and aesthetically appealing pedestrian ways linking land uses, open space areas, school, and adjacent properties.
4. Applicable park and school fees shall be paid with any Final Plats.
5. The overall cap for residential uses in this project shall be a maximum of 5,225 dwelling units and 56 acres of commercial uses unless there is a Board of County Commissioners approved amendment to the Sketch Plan. This five percent overall density reduction from the proposed 5,500 dwelling units shall occur north of the quarter mile line north of Stapleton Road. The density ranges for individual residential areas within the Sketch Plan do not guarantee that the corresponding PUD Development Plan will be approved to allow these densities, if the plan cannot be reasonably supported as advancing standards of the Land Development Code.
6. Prior to approval of any PUD Development Plans or Preliminary Plans that will exceed the above caps, the Sketch Plan shall be approved by the Board of County Commissioners.

7. Minor changes to the Sketch Plan, including a reduction in residential density or commercial acreage or a change in phasing, may be approved administratively by the Director of the Development Services Division, consistent with the Land Development Code and current procedures. Any substantial change will necessitate resubmittal of the Sketch Plan, which could occur concurrently with rezoning. If residential density or commercial square footage is increased in any parcel or a change in land use is proposed, resubmittal of the Sketch Plan is required and a revised traffic impact analysis will be required.
8. The approval of the Sketch Plan shall be effective for a period of five (5) years; if, at the expiration of the five-year period, no Final Plat in conformance with the plan has been submitted, approved, and recorded, the approval of the Sketch Plan shall expire.
9. Buffering between tracts shall be addressed with a Preliminary Landscape Plan with any rezoning requests.
10. Buffering of the residential uses from proposed commercial uses and roads in accordance with the Land Development Code through the use of setbacks, berms, landscaping, and screening is required. Buffering and screening shall be in accordance with the noise studies as required and accepted by the County at the subdivision stage.
11. Creative landscape design is encouraged, but in no instance shall the minimum buffering and landscape requirement be less than that required in Section 6.2.2. of the El Paso County Land Development Code. A Preliminary Landscape Plan shall be provided with any rezoning/PUD Development Plan requests. Buffers shall be exclusive of any lot area(s).
12. Road locations, intersections, and classifications on the Sketch Plan are based on the best information available at this time. Final determinations of all road classifications will be made at the time of Preliminary Plan when more detailed land use, traffic, and road designs are available. Minor changes to road classifications, intersections, and locations shall not require an new Sketch Plan.
13. The Master Development Drainage Plan (MDDP) shall be approved prior to approval of a Preliminary Plan or Final Plat.

14. Prior to rezoning or subdivision of the property the applicant shall, as part of a Soils and Geology Report, further address consistency with the County's Master Plan for Mineral Extraction and shall provide sufficient detail regarding the historic mining use of the property to allow the Board of County Commissioners to make a finding that the proposed development of the property is consistent with that plan.
15.
 - a. The Transportation Impact Study (TIS) submitted with the first subsequent zoning or subdivision application shall include a complete phase-by-phase evaluation of traffic impacts and improvements necessary for mitigation.
 - b. An updated Transportation Impact Study (TIS) shall be submitted with each subsequent rezoning and subdivision application. All studies shall evaluate the same study area as defined in the Sketch Plan TIS.
 - c. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in the offsite transportation improvements required by the development's traffic impacts as identified in each TIS. This includes potential roadway and intersection upgrades to and/or construction of Briargate Parkway, Stapleton Drive, Woodmen Road, Vollmer Road, Marksheffel Road, and the Banning-Lewis Parkway. Participation shall be through construction of specified improvements and inclusion in the Woodmen Road District and/or Stapleton Road District (if formed). Specific responsibilities and obligations of the development shall be determined with PUD Development Plan and Preliminary Plan approvals.
 - d. Construction of certain arterial roads may be required in advance of demonstrated traffic needs.
16. Division of Wildlife comments (December 4, 2007, letter) shall be addressed in subsequent, more detailed submittals, including submittals for Rezoning and subdivision.
17. 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.

18. Staff support for the Sketch Plan and the Finding of Master Plan consistency herein assumes that central water and wastewater services will be provided for the entire development. To the extent applicant brings forward a Rezoning and Preliminary Plan that contemplates another approach, the Development Services Division will consider that a material modification of the Sketch Plan and will require applicant to proceed forward with an Amended Sketch Plan.

NOTATIONS:

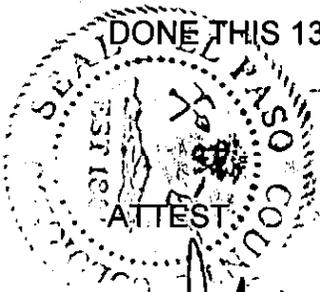
1. Action taken by the Planning Commission and Board of County Commissioners on a Sketch Plan shall be considered a preliminary decision to the zoning and platting of the property and shall not be considered a final decision for purposes of judicial review.
2. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Development Services Division prior to project commencement if ground-disturbing activities would occur in wetland areas.
3. Although the formation of one or more Title 32 Special Districts is anticipated in order to finance the required public infrastructure of this project and potentially to provide some ongoing services, approval of this Sketch Plan does not obligate the Board of County Commissioners in any way to approve the formation of special districts within this property or to allow for any particular type or arrangement of districts and/or district functions.
4. If one or more Title 32 Special Districts is subsequently created, disclosure of the district(s) will be required consistent with Board of County Commissioners' policy.
5. The access points onto roadways with a functional classification of arterial or above which were approved by the Major Thoroughfares Task Force on April 22, 2008, are specifically identified on the Sketch Plan and are considered approved subject to further

technical review for functional sufficiency. Any requests for additional access points to these facilities are to be coordinated with the City of Colorado Springs and shall be reviewed by the Major Thoroughfares Task Force.

6. The phasing plan associated with this Sketch Plan is not considered binding at this time. However, elements of the phasing plan may be made binding in association with later stages of the development application and approval process in order to address issues including, but not necessarily limited to, off-site roadway connections and capacity, utility availability, and management of timing-related impacts to existing adjacent development.
7. A portion of this property is in the Woodmen Road Metropolitan District service area and may be included in the District pending determination of off-site road improvement responsibilities.

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

DONE THIS 13th day of November 2008, at Colorado Springs, Colorado.



By: Robert C Balmh
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: [Signature]
Chairman

Resolution No. 08-476
EXHIBIT A

THE WEST HALF OF THE WEST HALF OF THE EAST HALF AND EAST HALF OF THE WEST HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THE EAST HALF OF THE SOUTHEAST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 28; THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF SECTION 34; THE EAST HALF AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33 LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33 LYING SOUTH AND EAST OF SAID COUNTY ROAD AS DEEDED TO COLORADO INTERSTATE GAS COMPANY BY WARRANTY DEED RECORDED IN BOOK 1173 AT PAGE 359; AND THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTHEAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 32, EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32 DEEDED TO J. MARCUS BROWN BY TRUSTEES' DEED RECORDED IN BOOK 3292 AT PAGE 168; ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO. ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO LYING SOUTH AND EAST OF THE COUNTY ROAD (VOLLMER ROAD), ALSO: THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTHERLY OF AN EXISTING EAST- WEST FENCE AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED DECEMBER 23, 2004 AT RECEPTION NO. 204209417, COUNTY OF EL PASO, STATE OF COLORADO, ALSO: THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., LYING SOUTHEASTERLY OF THE PUBLIC ROAD KNOWN AS VOLLMER ROAD, EL PASO COUNTY, COLORADO, AND CONTAINING 1443.695 ACRES MORE OR LESS.

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The following Reports are attached separately:

Appendix 1 – Traffic Impact Analysis Report.

Appendix 2 – Preliminary Geologic Hazards Evaluation.

OWNERSHIP AND CONSULTANT TEAM

Applicant/Developer

Morley-Bentley Investments, LLC
20 Boulder Crescent Street
Colorado Springs, CO 80903
(719) 471.1742

Consultants

Land Planning

N.E.S. Inc.
508 South Tejon Street
Colorado Springs, CO 80903
John Maynard: (719) 471.0073

Engineering

M & S Civil Consultants, Inc.
15 North Nevada Avenue
Colorado Springs, CO 80903
Virgil Sanchez: (719) 955.5485

Transportation

LSC Transportation Consultants, Inc.
516 North Tejon Street
Colorado Springs, CO 80903
Chris McGranahan: (719) 633.2868

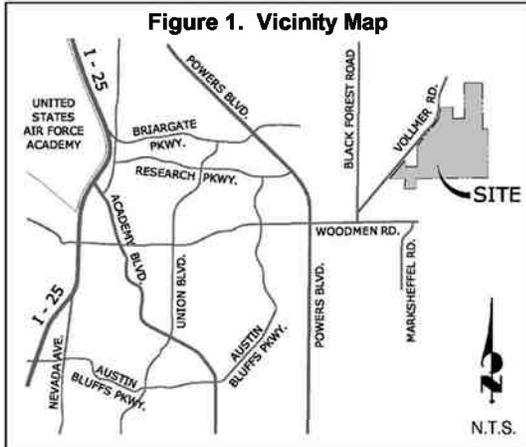
Geo-Hazard

Entech Engineering
505 Elkton Drive
Colorado Springs, CO 80907
Joseph Goode: (719) 531.5238

CHAPTER ONE INTRODUCTION

1. Introduction

The Sterling Ranch Sketch Plan consists of approximately 1,444 acres located northeast of Vollmer Road and Marksheffel Road. The subject site is located in El Paso County.



The purpose of the Sterling Ranch Sketch Plan is to provide County Staff and elected officials an overview of the Sterling Ranch Sketch Plan project. It is used to help evaluate the project and to assess compliance with the El Paso County Master Plan.

2. Regional Context

The Sketch Plan area is located in the northeastern quadrant of El Paso County, a rapidly urbanizing area near Colorado Springs that has experienced significant residential development in the past decade and is expected to experience continued development for the next decade. The Sterling Ranch Sketch Plan is located north of developing urban areas under the jurisdiction of the City of Colorado Springs, and south of the Black Forest. In some fashion, development has previously occurred on all sides of the Sterling Ranch. Existing and surrounding land uses and zoning are addressed in the next section of this study.



3. Sketch Plan Summary

The intent of this Sketch Plan is to provide a framework for creating quality neighborhoods and shopping areas conveniently linked through transportation corridors to schools, parks, and open spaces.

The Sterling Ranch Sketch Plan project will be a high quality, urban mixed residential development with a variety of densities interspersed throughout the property with a moderate amount of commercial development located on major arterials. Each phase of the plan will have a variety of residential densities and product types to ensure a diverse community.

An interconnected system of trails, open spaces and neighborhood parks will be provided within the project to allow for a recreation oriented community. This system of open spaces, trails and parks is intended to provide a comprehensive off-street pedestrian circulation system that would supplement the standard sidewalks along streets. Parks have been located so that residents have a five minute walk or less to these facilities.



The Sterling Ranch Sketch Plan is proposed as a guide to the future development of the property. The land suitability analysis, presented in the next chapter, forms the basis for recommendations on the type and intensity of proposed land use on the site.

CHAPTER TWO EXISTING SITE CONDITIONS

1. Existing and Surrounding Zoning / Land Use

Existing Land Use / Zoning

An understanding of the land use context of an area can be helpful in determining opportunities and constraints for future development. The Sterling Ranch Sketch Plan area is currently zoned Residential Rural (5 acres) in El Paso County. Previous site uses have included sand and gravel quarrying, and grazing and pasture lands.

Surrounding Land Use / Zoning

Adjoining land use along the eastern boundary of the site is zoned RR-5 under the jurisdiction of El Paso County. These areas contain rural residential land uses. Land use north of the Sterling Ranch boundary is also zoned RR-5 with rural residential land uses. To the west of Vollmer Road, adjoining land use is zoned RR-5, with the exception of a portion of land zoned RR-2.5 north of the intersection of Marksheffel Road and Vollmer Road, and the Holiday Hills subdivision, zoned R-1. A parcel of land to the east of Vollmer Road (surrounded by Sterling Ranch on three sides) is zoned I-2 and I-3 (Limited and Heavy Industrial) in El Paso County. Surrounding land use and zoning along the remainder of the southern boundary of Sterling Ranch is primarily rural residential zoned RR-5, with one parcel zoned industrial (I-3), under the jurisdiction of El Paso County (see Figure 2).



2. Existing Roadways

The major existing road serving this area is Vollmer Road, which connects residents to Black Forest Road and Woodmen Road. Currently, Briargate Parkway terminates within the Cordera development, Research Parkway terminates at Powers Boulevard, Marksheffel Road terminates at Woodmen Road, Banning Lewis Parkway terminates within the Banning Lewis Ranch, and Stapleton Road terminates on the eastern boundary of Sterling Ranch.

A Traffic Impact Analysis Report has been prepared by LSC Transportation Consultants, Inc. This analysis identifies the traffic impacts for build-out development on the surrounding roadways systems, as well as the roadway system improvements needed to mitigate the traffic impacts. It is anticipated that the adjacent roadways will be upgraded to handle impacts of the proposed development.

A significant benefit to development of the Sterling Ranch site is that it will provide the opportunity to complete or contribute to several regional transportation links. These include: Research Parkway to Marksheffel Road; a significant portion of Briargate Parkway to Stapleton Road; and Banning Lewis Parkway to Briargate/Stapleton. All of these connections occur within Sterling Ranch, and urbanization of this land will facilitate these connections.

CHAPTER THREE

LAND SUITABILITY ANALYSIS

1. *Introduction*

Land Suitability Analysis is a process employed to determine information about the site's physical characteristics and features needed to assess the impact of proposed development both on and off-site. Site investigations include conducting an inventory of the site related to natural features including topography, soils and geology, vegetation, views, and wildlife. This information is then analyzed and transferred to an overall composite map, which presents the physical and environmental constraints to development in a comprehensive manner.

2. *Slope Analysis*

Topography on the site is gentle to moderately sloping to the south with some steep slopes along drainages in the extreme southwestern and central portions of the site. Sand Creek flows in a southerly direction through the central portion of the site.

The slope analysis provided demonstrates some of the development potential and obstacles of the site (see Figure 3). A slope analysis was completed using 2 foot contour intervals with ranges of 0-8%, 8-12%, 12-15%, 15-25%, and 25-100%. The majority of the site is composed of gentle to moderate slopes, which do not impose constraints on future development. Limited areas fall within a 12-15%, 15-25%, and 25-100% range. These areas are associated with the Sand Creek drainage way. Isolated moderate slopes of 12-15% and 15-25% are located in the northernmost area of Sterling Ranch, south of Arroya Lane; however, these slopes do not pose a significant constraint to development.

3. *Vegetation Analysis*

The Sterling Ranch Sketch Plan area is predominantly a grassland prairie with some rangeland areas. Please refer to Figure 4 for the Vegetation Analysis.

Native vegetation covering most of the Sterling Ranch Sketch Plan area consists of Grassland Vegetation Type 1. This vegetation cover is comprised of about 85% grasses, 10% forbs, and 5% shrubs. The grasses include mid to tall grass species of predominantly Little Bluestem, Needleandthread, and Prairie Sandreed, with some Sideoats Grama, Blue Grama, Thickspike Wheatgrass, Western Wheatgrass, Mountain Muhly, and lesser species. Dominant forbs are Dotted Gayfeather, Drummond Milkvetch, Geyer Larkspur, and Scarlet Globemallow. The dominant shrubs and trees are Fringed Sagebrush, Spreading Eriogonum, Mountain Mahogany, Skunkbush Sumac, and One-seeded Juniper.

Native vegetation on the upland areas is made up of Grassland Vegetation Type 2. This area consists of about 80% grasses, 10-15% forbs, and 3-5% shrubs. This area is dominated by a variety of bunch grass and shortgrass species, including Arizona Fescue, Mountain Muhly, and Parry Oatgrass, with some western wheatgrass and lesser species. Mountain Big Sagebrush is a common shrub in this area, along with Woods Rose and Howard Rabbitbrush. There are also a variety of forbs present.

Native vegetation scattered in patches around the site consists of Grassland Vegetation Type 3. This area is comprised of about 75-85% grasses, 10-15% forbs, and 5-10%



shrubs. The dominant grass species of this tallgrass prairie are Big Bluestem, Prairie Sandreed, and Switchgrass, with some Blue Grama, Little Bluestem, Needleandthread, Sideoats Grama, Western Wheatgrass, Prairie Cordgrass, Sand Reedgrass, and lesser species. Cattails and bulrushes are common in swampy areas. Forbs include Purple Prairieclover and Louisiana Sagewort. The common shrubs present are Fringed Sagebrush, Spreading Eriogonum, and Sandcherry.

Riparian vegetation within Jurisdictional Wetlands along the Sand Creek corridor will be preserved and enhanced as part of the open space system in the Sketch Plan.

4. Visual Analysis

The Visual Analysis of a site is an important aspect in understanding relationships to surrounding areas, important community elements, and the creation of a quality development. Visual impressions can add and/or detract from the image of the site, and they are significant in determining development opportunities and constraints. Areas of visibility from adjacent roads, the visual content of short-range and long-range views from the site, and areas where views are blocked by natural features forming barriers to views are all important considerations in visual analysis and land use planning.



Generally, views of the Rampart Range and Pikes Peak are evident throughout the site (see Figures 5 and 6). Internal view opportunities would generally be associated with the Sand Creek drainageway that transverse the site. While the drainageway as it currently exists has minimal visual resource value, its potential for open space value presents an opportunity to provide positive visual impacts upon project development.

5. *Wildlife Habitat*

Wildlife Habitat maps for the Sterling Ranch Sketch Plan are available from the Colorado Division of Wildlife (DOW). These maps are general in nature since animal distribution is fluid and animal populations are dynamic. A specific wildlife habitat analysis has not been prepared for Sterling Ranch Sketch Plan.

Wildlife that has been viewed on the site and surrounding areas include prairie dogs, coyotes, pronghorn antelope, western meadowlarks, sparrow and several species of hawks including red tail. Prairie voles, mice and prairie dogs are the typical rodent population in the area. As development occurs within the Sterling Ranch Sketch Plan project, care will be taken to minimize human and wildlife conflicts within reasonable limits. Quality site planning and design will be utilized in order to avoid potential impacts to wildlife habitat.

6. *Geologic Hazards / Soils*

Entech Engineering has prepared a Preliminary Geologic Hazard Evaluation report. The purpose of the study is to identify potential geologic hazards and evaluate their effects on the proposed development.

According to the "Geologic Hazard / Land Use Study and preliminary Subsurface Soil Investigation", prepared by Entech Engineering, existing geologic and geotechnical conditions on the site may impose some constraints on development and construction. However, these constraints are considered typical of a high plains environment. The Report states that, avoidance or regrading can mitigate many hazards such as unstable slopes; low lying floodplain areas; areas of seasonal shallow groundwater; and areas where ponded water can occur. Other constraints identified on the site such as hydrocompaction; loose or collapsible soils; expansive soils; and artificial fill can be mitigated through proper engineering design and construction.

7. *Composite Analysis*

The unique set of natural and man-made conditions that define the site are shown on the Composite Analysis. The Composite Analysis Map comprehensively reflects positive physical, man-made and environmental aspects of the site, as well as any physical or environmental constraints to development. Development opportunities of the site will be maximized, and areas with constraints will be mitigated or avoided. Mitigation techniques are presented for areas of constraint.

During the course of the Land Suitability Analysis, the physical and environmental constraints that emerged include some steep slopes, floodplain/riparian areas, and soil/geological constraints. Subsequently, three (3) categories of proposed development are identified, corresponding directly to the constraints noted in the Land Suitability Analysis (see Figure 7).

Category A: Preservation Area

This category, labeled as Preservation Area, includes the preservation of the most significant and sensitive natural resource area on-site: the Sand Creek drainageway. Category A contains approximately 76 acres.

According to the “Geologic Hazard/Land Use Study and preliminary Subsurface Soil Investigation”, prepared by Entech Engineering, existing geologic and geotechnical conditions on the site may impose some constraints on development and construction. Avoidance or regrading can mitigate many hazards such as unstable slopes; low lying floodplain areas; areas of seasonal shallow groundwater; and areas where ponded water can occur. Other constraints identified on the site such as hydrocompaction; loose or collapsible soils; expansive soils; and artificial fill can be mitigated through proper engineering design and construction.

Some of the steeper slopes along Sand Creek have been identified as unstable and potentially unstable slopes. Erosion by the creek is also possible. According to the report prepared by Entech Engineering, building should be avoided in these areas. Structures should be located a minimum of 60 feet away from the crest of the slopes, unless additional site-specific investigation and slope stability analysis is performed or the slopes are stabilized. In this category, open space development is allowed in a manner that preserves existing uninterrupted natural areas and features.

Category B: Some Development Constraints

Category B, located in the northernmost portion of Sterling Ranch and east of Vollmer Road to Sand Creek, is identified as having moderate development constraints. This category may be constrained by environmental, geologic features, and soils, primarily related to potential for erosion. Within erosion areas, regrading and establishing vegetation may mitigate the majority of erosion potential. Overall, this area is considered well suited for home sites. Category B contains approximately 587 acres.

Category C: Minimal Development Constraints

This category identifies the least sensitive areas of Sterling Ranch Sketch Plan. These areas correlate with some of the least physical and environmental constraints, and it will have the highest concentration of development. Massive land areas allow for large over-lot grading practices with little impact to natural systems. Category C contains approximately 782 acres.

CHAPTER FOUR

PLANNING PARAMETERS AND RECOMMENDED PLAN

1. Introduction

Planning parameters are descriptive statements about development intent that help shape the eventual design and land use solutions for the Sterling Ranch Sketch Plan. These parameters have been used as guidelines in the determination of proposed land uses. These parameters will be used as direction setting concepts for detailed site specific design and layout of individual parcels.

2. Sterling Ranch Planning Parameters

- Preserve the Sand Creek Greenway and utilize as a focal point of development.
- Reduce the impact of residential development on School District #49.
- Provide an Active Adult Community.
- Establish arterial street connections.
- Use neighborhood parks and schools, connected by trails and the Sand Creek Greenway, as neighborhood building blocks.
- Buffer adjacent developed rural residential with open space/trail corridors.
- Provide for community and regional shopping opportunities related to the arterial road system.

3. Sketch Plan Component Parameters

Residential: 0.2 dwelling units / acre (5 acres / dwelling unit)

- This land use category will occupy approximately 44 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 9 dwelling units are projected in this land use category.
- This land use type will be used to buffer existing rural residential in the northeast portion of the Sterling Ranch Sketch Plan.

Residential: 0.4 dwelling units / acre (2.5 acres / dwelling unit)

- This land use category will occupy approximately 33 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 13 dwelling units are projected in this land use category.
- This land use type will be used as buffer and transition from urban land use to the south to existing rural residential in the northeast portion of the Sterling Ranch Sketch Plan.

Residential: 1 dwelling unit / acre

- This land use category will occupy approximately 35 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 35 dwelling units are projected in this land use category.

- This land use type will be used as buffer and transition from urban land use to the south to existing rural residential in the northeast portion of the Sterling Ranch Sketch Plan.

Residential: 2 dwelling units / acre)

- This land use category will occupy approximately 163 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 326 dwelling units are projected in this land use category.
- This land use type will be used as buffer and transition from urban land use to the south to existing rural residential in the northeast portion of the Sterling Ranch Sketch Plan, as well as to adjacent land uses in the south.

Residential: 3-5 dwelling units / acre

- This land use category will occupy approximately 475 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 1,900 dwelling units are projected in this land use category.
- This land use type will be primarily single-family detached units.

Residential: 5-8 dwelling units / acre

- This land use category will occupy approximately 101 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 606 dwelling units are projected in this land use category.
- Actual densities (net) may be higher than 8 units per acre due to clustering.

Residential: Active Adult 5-8 dwelling units / acre

The Active Adult Community will be a unified, age restricted development parcel similar to Anthem in Broomfield, or Eagle Bend in Aurora. This land use has been placed in the School District 49 portion of the Sketch Plan to reduce impacts on the district.

- This land use category will occupy approximately 257 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 1,600 units are projected in this land use category.
- Parcels within this area will have densities in excess of 8 units per acre.

Residential: 8-12 dwelling units / acre

- This land use category will occupy approximately 32 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 320 units are projected in this land use category.

Residential: 12-20 dwelling units / acre

- This land use category will occupy approximately 41 acres of land within the Sterling Ranch Sketch Plan.
- Approximately 691 units are projected in this land use category.

Neighborhood and Community Commercial

- This land use category will occupy approximately 56 acres of land within the Sterling Ranch Sketch Plan.
- Commercial nodes have been shown at all intersections of major streets.
- The Active Adult community will generate the need for a commercial center on its own; therefore a commercial parcel is designated within this general area of the Sketch plan.

Parks, Open Space, and Trails

The most significant natural feature of the site is the Sand Creek corridor. The Plan envisions this corridor as a Greenway with an extension of the Sand Creek Trail and neighborhood parks located to serve several different neighborhoods. There is an opportunity within Sterling Ranch to provide a Community Park with a water feature as a focal point. Three ponds currently exist within the proposed Greenway area. The southern most of these ponds may be large enough to support a fishery, and when combined with a trail system and ball-fields, could become the focal point of the entire Sterling Ranch Sketch Plan. It is anticipated that the parks will be owned, maintained, and managed by a Metropolitan District. The Active Adult Community will have a private park and private recreational system that will be defined with future detailed development plan submittals.

Schools

Two school districts will serve the residents of Sterling Ranch: School District 20 (SD-20) and School District 49 (SD-49). Approximately 57 acres are planned for schools. An effort has been made in land use planning to minimize the impact of school-age residents on SD-49 by placing Active Adult, commercial, and higher density land uses primarily within the SD-49 area of the site. In addition, a 10-acre school site designed for an elementary school has been shown on the Sketch Plan within the SD-49 boundaries. This site will address the needs of elementary age children generated from the land south of Stapleton Road within SD-49. Should a housing product ultimately be constructed within the area of the Sketch Plan designated for Active Adult use, additional school dedication will take place. A note has been added to the Sketch Plan indicating this commitment.

4. Recommended Land Use Sketch Plan

This Sketch Plan provides the blueprint for development, which responds specifically to the physical, environmental, and market conditions unique to this site. The Sketch Plan is also intended to provide general land use designations and standards that County Staff, the Planning Commission, and elected officials will use as a guide for future development decisions. All elements of the Sketch Plan are focused on providing the optimum integration of the natural amenities of the site with proposed land uses (see Figure 8).

The following table provides a land use allocation, with projected residential densities, as well as non-residential acreage for the project.

Table 1.

Residential and Non-Residential Land Allocations		
Residential:		
R 0.2 DU/AC	44 AC x 0.2 =	9 D.U.
R 0.4 DU/AC	33 AC x 0.4 =	13 D.U.
R 1 DU/AC	35 AC x 1 =	35 D.U.
R 2 DU/AC	163 AC x 2 =	326 D.U.
R 3-5 DU/AC	475 AC x 4 =	1900 D.U.
R 5-8 DU/AC	101 AC x 6 =	606 D.U.
Active Adult - R 5-8 DU/AC	257 AC	= 1600 D.U.
R 8-12 DU/AC	32 AC x 10 =	320 D.U.
R 12-20 DU/AC	41 AC	= 691 D.U.
Total: 1181 AC		5500 D.U. max.
Others:		
Commercial	56 AC	
Elementary / K-8 Schools	57 AC	
Neighborhood Park	18 AC	
Community Park	30 AC	
OS/Greenway	57 AC	
OS/Buffer	43 AC	
Utility Parcel	2 AC	
Grand Total: 1444 AC		

5. Phasing Plan

Development Phasing:

Phase 1 will consist of the 12-acre Elementary School site in School District 20, the 3-5 and 5-8 DU/AC residential parcels all located in the area west of Sand Creek and east of Vollmer Road, the 12-20 DU/AC residential parcel located southwest of Marksheffel Road, the south-central portion of the Active Adult Community located at Briargate Parkway and Sterling Ranch Road, and the Utility Parcel located at the northern edge of the site (see Figure 9).

Phase 2 will encompass the 35-acre K-8 School site in School District 20, the 3-5 DU/AC residential parcels located north and south of Sterling Ranch Road (adjacent to the 30-acre community park), the 2 DU/AC on the southern edge of the site, as well as a middle portion of the Active Adult Community located east of Sand Creek, and north of Briargate/Stapleton.

Phase 3 will include the 10-acre Elementary School site in School District 49, three 3-5 DU/AC residential parcels in the southeast portion of the site, a portion of the 2 DU/AC on the southern edge of the site, the 3-5 DU/AC and 2 DU/AC residential parcels northeast of Vollmer Road and Briargate Parkway, the northern and eastern areas of

the Active Adult Community, and the 2 DU/AC, 1 DU/AC, 0.4 DU/AC and 0.2 DU/AC residential parcels all located north of the Active Adult Community.

Phase 4 will contain the two commercial nodes on Vollmer Road and part of the 5-8 DU/AC residential parcel west of Sand Creek and southeast of Vollmer Road and Briargate Parkway. The two high-density residential parcels proposed southeast of Briargate/Stapleton and Sterling Ranch Road are also part of Phase 4.

Phase 5 will consist of the commercial node situated southwest of Briargate/Stapleton and Banning Lewis Parkway, as well as the low-density residential areas located in the southeast corner of the site, just west of Banning Lewis Parkway, and the last section of the 2 DU/AC residential parcel.

Transportation Phasing:

Phase 1 Transportation Improvements will include an extension of Marksheffel Road to the east, past Vollmer Road to the non-residential collector street within Sterling Ranch. Upon approval of the Active Adult phase, the non-residential collector street will be extended to the north to Stapleton Road, and provide access to the Active Adult Community (see Figure 10).

Phase 2 Transportation Improvements will provide for the expansion of Vollmer Road to the north and a portion of Briargate Parkway to the east.

Phase 3 proposes to expand the northern-most portion of Vollmer Road, and extend a residential collector street in the southeast area of the sketch plan from Sterling Ranch Road to the east.

Phase 4 will consist of extending a portion of Briargate Parkway and a parallel residential collector street to the east from Sterling Ranch Road; then another residential collector street will connect them to Phase 3 to the south (immediately west of Banning Lewis Parkway).

Finally, a northern extension of Banning Lewis Parkway to Briargate Parkway, and connections to the west will be completed in Phase 5.

CHAPTER FIVE TRANSPORTATION, DRAINAGE, AND UTILITIES

1. *Regional Transportation System / Circulation*

The major existing road serving this area is Vollmer Road, which connects residents to Black Forest Road and Woodmen Road. Ultimately, three Principal Arterial streets will pass through the site. Marksheffel Road will be extended north and west from its current terminus at Woodmen Road to connect with the future extension of Research Parkway at Black Forest Road. Banning Lewis Parkway will run along the eastern boundary of the site. Briargate Parkway will extend east from its current terminus within the Cordera development and pass through the site, connecting with the future extension of Stapleton Road at Banning Lewis Parkway. Additionally, a Non-Residential Collector street is planned to run through the middle of the site on a southwest-to-northeast alignment between Marksheffel Road and Briargate Parkway and will provide much of the access for the various proposed land uses. The following table compares the 2030 Major Transportation Corridors Plan (MTCP) and the 2050 Corridor Preservation Plan (CPP) requirements for Sterling Ranch.

	MTCP	CPP	Sterling Ranch Proposal
Vollmer Road:	2 lane Minor-100'	2 lane Minor-100'	4 lane Minor-100'
Stapleton:	4 lane Principal-130'	4 lane Principal-130'	4 lane Principal-160'
Banning Lewis:	4 lane Principal-130'	6 lane Expressway	4 lane Principal*
Marksheffel:	6 lane Principal-160'	6 lane Principal-160'	6 lane Principal-160'

* Plus Easements

The additional ROW for Stapleton proposed by Sterling Ranch allows for an additional 2 lanes to be added by others if needed in the future. In Sterling Ranch, Banning Lewis Parkway is proposed as a Principal Arterial due to the spacing constraints to Stapleton from Woodmen Road.

2. *Drainage*

Drainage flows from the Sterling Ranch development are in the main Tributary of Sand Creek (see Figure 11). Developed flows must be restricted to conditions as set forth in the Sand Creek Drainage Basin Planning Study (SCDBPS), which has taken into consideration future development of the tributary area. A combination of channel improvements, large regional and smaller public detention facilities are proposed to accomplish this task. Each development area will provide its own drainage infrastructure to route stormwater to the public detention facilities. Specific improvements include storm drain, detention ponds, channel realignment and creation, drop and check structures and roadway crossing culverts. A clearance letter from the US Fish & Wildlife Division has been obtained for the area included in this Sketch Plan (See Appendix C), and coordination with the US Army Corp of Engineers will occur along with the preliminary and final design for the drainage improvements and wetland mitigation.

3. Utilities: Water / Sanitary Sewer

Water:

Water will be provided and implemented for the Sterling Ranch development in stages for a central water system (refer to the letter from Perkins Coie in Appendix D). The Development presently owns water sufficient for over 5500 equivalent residential units. Additionally, the development water that is under contract can provide for an alternative source by means of conveying water to the site by pipes and pumps. Therefore, there is virtually enough for the entire build-out of the project by a combination of sources.

Initially, the development will use an onsite well to extract from the Arapahoe and Laramie-Fox Hills groundwater underlying the development for approximately 371 acre-feet per year. This amount of water can accommodate approximately 1054 units. Secondly, the development will use an onsite well to extract from the Dawson and Denver groundwater underlying the development for approximately 394 acre-feet per year. This amount of water can accommodate the second phase of development for another approximate 1120 units. The third and fourth stages of development shall obtain water from the currently owned 675 acre-feet of fully consumable Arkansas River water associated with the Stonewall Spring Quarry, and replacement water (925 acre-feet) within the Basin from the aforementioned sources. These two sources of water can accommodate the later stages of development for 1920 and 1420 units, respectively.

Sanitary Sewer:

Central wastewater service will be provided by the Woodmen Hills Metropolitan District (refer to the Letter of Commitment in Appendix D). The majority of the site will drain to the most southerly point adjacent to the Sand Creek Corridor. The wastewater will then be pumped northeasterly to the existing wastewater treatment facility owned and operated by the Woodmen Hills Metropolitan District. The capacity of the existing facility will handle the initial development flows with the understanding that upgrades to the wastewater treatment facility will be necessary as the development of Sterling Ranch continues. The planned wastewater treatment facility upgrades will be necessary at the existing facility and in the long term at a potentially new site in eastern El Paso County.

CHAPTER SIX

RELATIONSHIP TO ADOPTED PLANS

1. *El Paso County Master Plan*

The County-wide Policy Plan for El Paso County establishes broad goals and policies, which are intended to serve as a framework for decision-making regarding the development of the County.

The development of the Sterling Ranch Sketch Plan will support the following goals and policies of El Paso County.

Policy 2.2.4

Provide incentives to encourage development to incorporate sensitive planning that ensures the protection of watersheds and wildlife habitat.

Policy 2.2.5

Encourage mitigation of all adverse impacts to wetlands and riparian habitat.

Policy 2.2.10

Encourage preservation of open space in the design of subdivisions.

The composite analysis for Sterling Ranch Sketch Plan supports the previous policies by designating the Sand Creek Drainage as the most significant natural resource area.

Goal 2.3 To preserve and enhance geologic features, significant natural landscapes, and waterways.

The most significant natural feature of the site is the Sand Creek Corridor. The Plan envisions this corridor as a Greenway with an extension of the Sand Creek Trail and neighborhood parks located to serve several different neighborhoods. There is an opportunity within Sterling Ranch to provide a Community Park with a water feature as a focal point. Three ponds currently exist within the proposed Greenway area. The southern most of these ponds may be large enough to support a fishery, and when combined with a trail system and ball-fields, could become the focal point of the entire Sterling Ranch Sketch Plan. The following polices outlined by El Paso County will be adhered to in the completion of the Sterling Ranch Sketch Plan.

Policy 2.3.1

Preserve significant natural landscapes and features.

Policy 2.3.3

Consider the guidelines in the *El Paso County Master Plan* for the preservation and protection of significant natural features when reviewing development proposals.

Policy 2.3.5

Encourage the use of innovative siting and design techniques to identify, enhance, and, where appropriate, incorporate and protect significant natural features and waterways.

Policy 2.3.6

Consider the *Natural Systems Inventory* and identify significant geological features prior to granting subdivision or development approval.

Policy 2.3.7

Encourage mitigation of adverse visual impacts caused by construction including roadcuts, utility lines, outside storage, water tanks and building scale.

Policy 2.3.8

Encourage incorporating significant natural landscapes and waterways into parks and open space where feasible.

The Sterling Ranch Sketch Plan supports Policies 6.1.1 – 6.1.5 outlined below by encouraging the creation of a mixed- use project with a variety of balanced land uses appropriate for an urbanizing area of El Paso County. In addition, the Sterling Ranch Sketch Plan is designed to transition between the urbanized area and existing rural areas.

Policy 6.1.1

Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

Policy 6.1.2

Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.

Policy 6.1.3

Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.4

Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

Policy 6.1.5

Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:

- maximize the economy and efficiency of land use
- preserve open space or natural areas
- integrate employment, housing, shopping, schools and other use
- accommodate multi-modal transportation linkages
- allow for variations in design and character

Policy 6.1.8

Encourage incorporating buffers or transitions between areas of varying use or density where possible.

The Sterling Ranch Master Plan will provide effective buffers where appropriate. For example, the Plan shows a large open space/buffer area on the northeast portion of the site adjacent to the rural Indian Wells subdivision.

Policy 6.1.9

Viable residential properties should be reasonably protected from the adverse impacts of major roadways and other potentially incompatible land uses.

Policy 6.1.10

Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Policy 6.1.11

Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.1.12

Encourage advance public and private land use planning in order to maximize public awareness of anticipated future land use conditions.

Policy 6.1.14

Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Policy 6.1.15

Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.

Policy 6.1.16

Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

Policy 6.3.1

Protect and enhance the viability of established urban density developments in unincorporated areas.

Policy 6.3.2

Rely on the Small Area Planning process to define the sub-area specific boundaries for urban density development (refer to Section 1.0 Small Area Plans).

Policy 6.3.4

Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.

Policy 6.3.6

Where feasible, when compatible and service level issues have been addressed; smaller commercial, office and institutional uses should be allowed to locate within, or convenient to, the residential neighborhoods they serve or complement.

Policy 6.3.7

Commercial and office uses should be encouraged to incorporate unified site design and circulation planning, and conversely, strip commercial and office development should be discouraged.

2. Black Forest Preservation Plan

The proposed Sterling Ranch Sketch Plan area is located within Area Number 10, the Southern Transition Area of the Black Forest Preservation Plan. This area includes the following parameters:

- Development should be coordinated with the City of Colorado Springs and consistent with the policies of the Cooperative Planning program.
- The appropriate mix and phasing of urban density development will be dependent on the final alignment of major transportation corridors.
- Any new urban development should be compatible with existing rural residential subdivisions.
- Overall densities should decrease to one dwelling unit per five acres at the timbered area edge.
- A low-density residential buffer should originate no more than one-quarter mile north of a major east-west expressway corridor, and then only if such a corridor is located no more than two miles north of Woodmen Road. Uses appropriate in the immediate vicinity of the expressway corridor, mentioned above, would include office, light industrial, and multi-family uses in a campus like setting.
- Major commercial centers are not appropriate in the area north of a potential expressway alignment. Heavy industrial uses should be specifically limited to the existing industrial area.
- Urban density development should only be approved if adequate urban services are available.
- Urban design recommendations noted for Planning unit Number 9 should be adhered to where applicable.

The proposed Sterling Ranch Sketch Plan will conform to Black Forest Preservation Planning Parameters (for description, see Chapter 4 “Planning Parameters and Recommended Plan”).

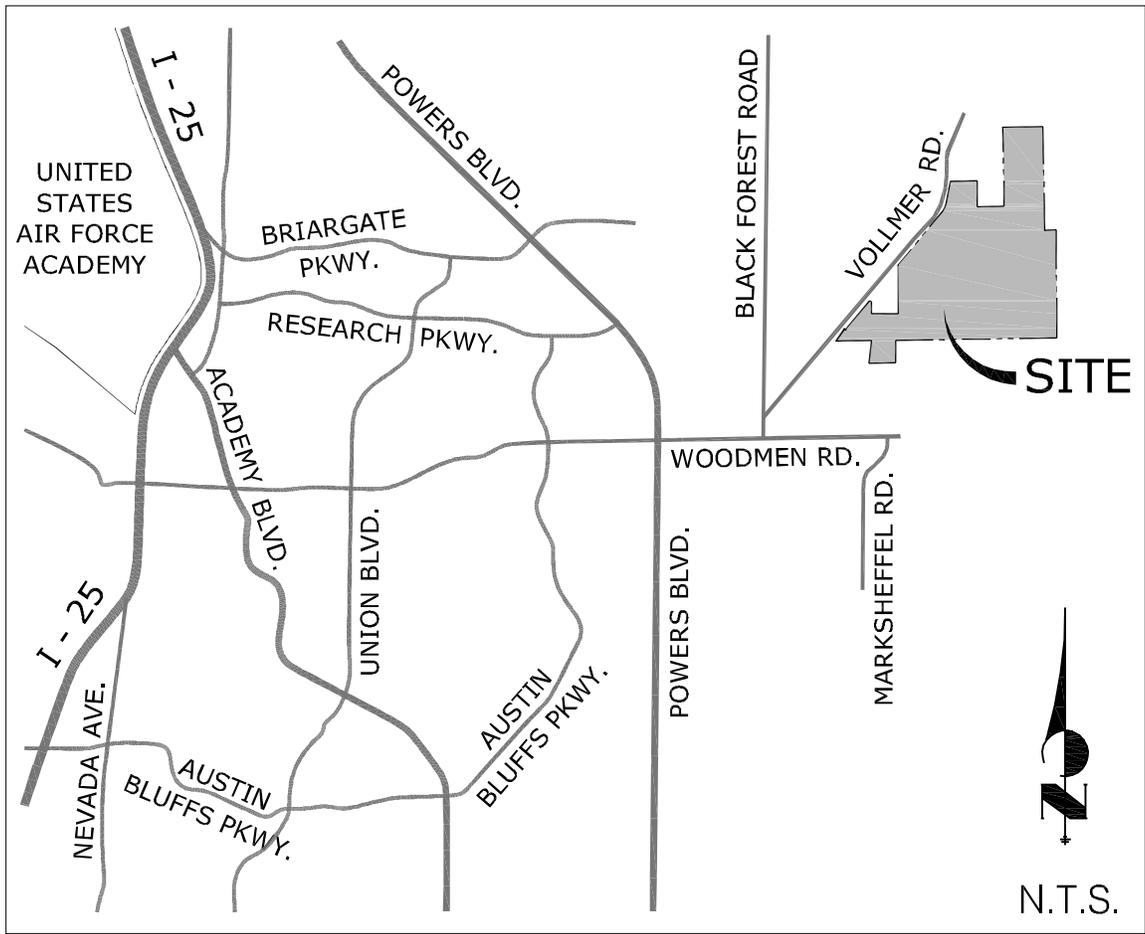
CHAPTER SEVEN

FIGURES

- Figure 1: Vicinity Map
- Figure 2: Context / Zoning Map
- Figure 3: Slope Analysis
- Figure 4: Vegetation Analysis
- Figure 5: Visual Analysis
- Figure 6: Site Photos
- Figure 7: Composite Analysis
- Figure 8: Land Use Sketch Plan
- Figure 9: Development Phasing Plan
- Figure 10: Transportation Phasing Plan
- Figure 11: Drainage Plan



VICINITY MAP



Sterling Ranch VICINITY MAP

MORLEY-BENTLEY INVESTMENTS, LLC.

FIGURE NO.

1

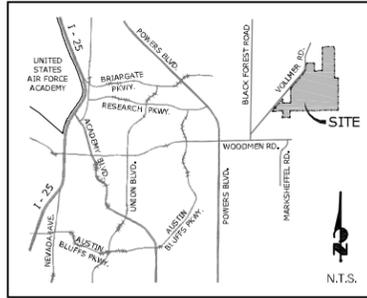
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P:\Working\Sterling Ranch\Drawings\Planning\SP-10-23a-07.dwg (VICINITY MAP)

VICINITY MAP:



OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742

EXISTING LAND USE LEGEND:

EL PASO COUNTY ZONING:

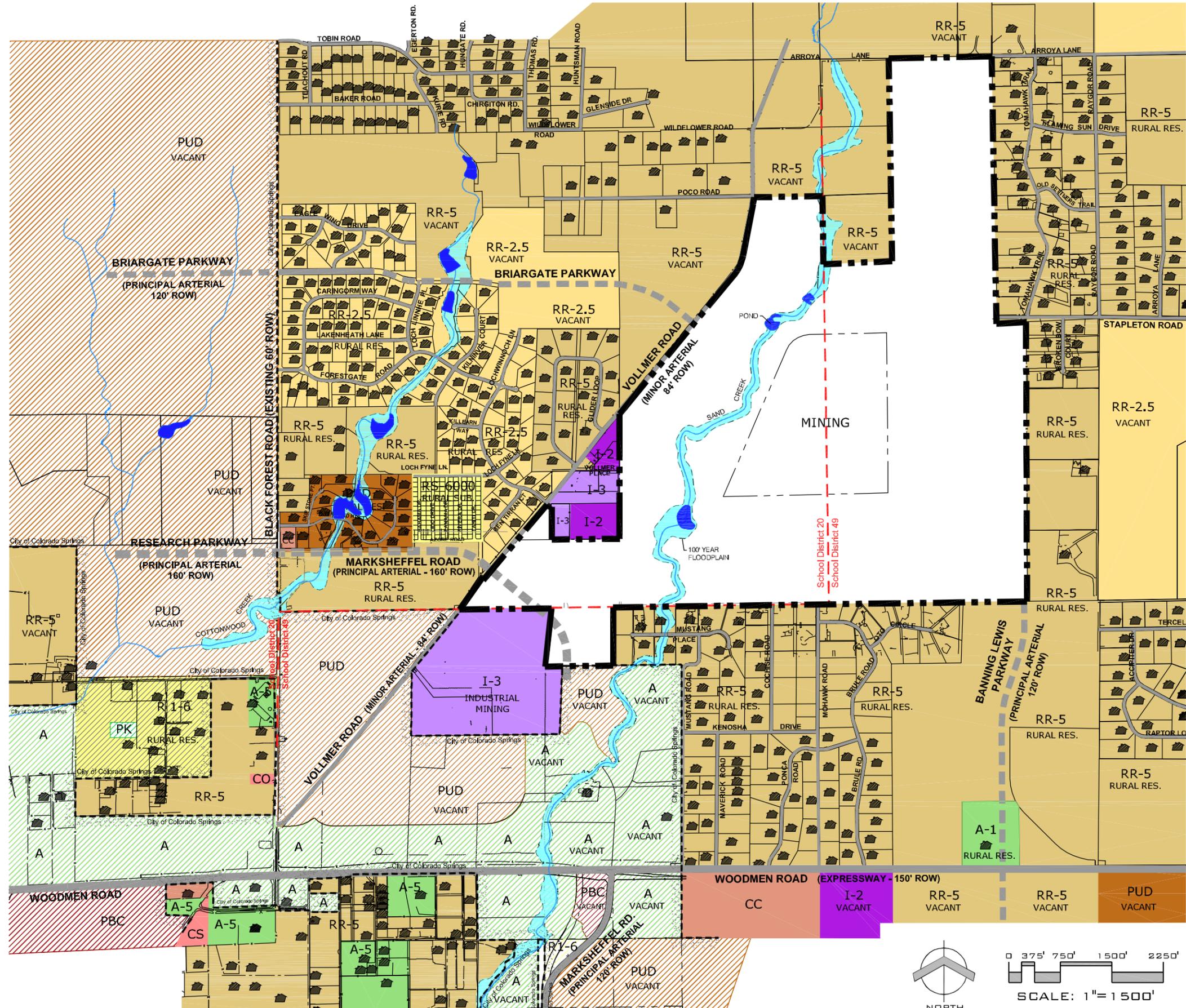
- RS-6000 - RESIDENTIAL SUBURBAN (6,000 S.F.)
- RR-2.5 - RESIDENTIAL RURAL (2.5 ACRES)
- RR-5 - RESIDENTIAL RURAL (5 ACRES)
- PUD - PLANNED UNIT DEVELOPMENT
- CO - COMERCIAL OFFICE
- CC - COMMERCIAL COMMUNITY
- CS - COMMERCIAL SERVICE
- I-2 - LIMITED INDUSTRIAL
- I-3 - HEAVY INDUSTRIAL
- A-5 - AGRICULTURAL (5 ACRES)

CITY OF COLORADO SPRINGS ZONING:

- R-1-6 - SINGLE FAMILY RESIDENTIAL (6,000 SF)
- PBC - PLANNED BUSINESS CENTER
- PUD - PLANNED UNIT DEVELOPMENT
- PK - PUBLIC PARK
- A - AGRICULTURAL

SYMBOL LEGEND:

- EXISTING ROADS
- PROPOSED ROADS
- CITY/COUNTY BOUNDARY LINE
- SCHOOL DISTRICT BOUNDARY LINE
- HOMES ON EXISTING LOTS



Sterling Ranch
 CONTEXT / ZONING MAP

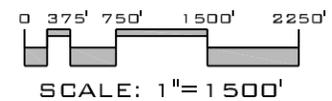
MORLEY-BENTLEY INVESTMENTS, LLC.

FIGURE NO.

2

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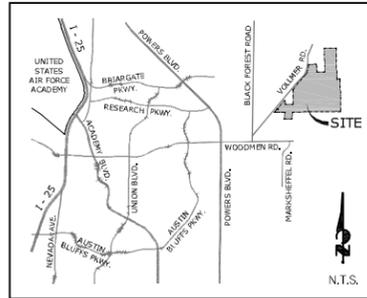
SLOPE LEGEND:

- 0% to 8% SLOPES
- 8% to 12% SLOPES
- 12% to 15% SLOPES
- 15% to 25% SLOPES
- 25% to 100% SLOPES

SYMBOL LEGEND:

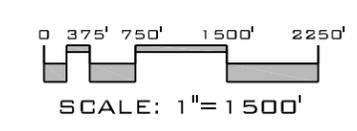
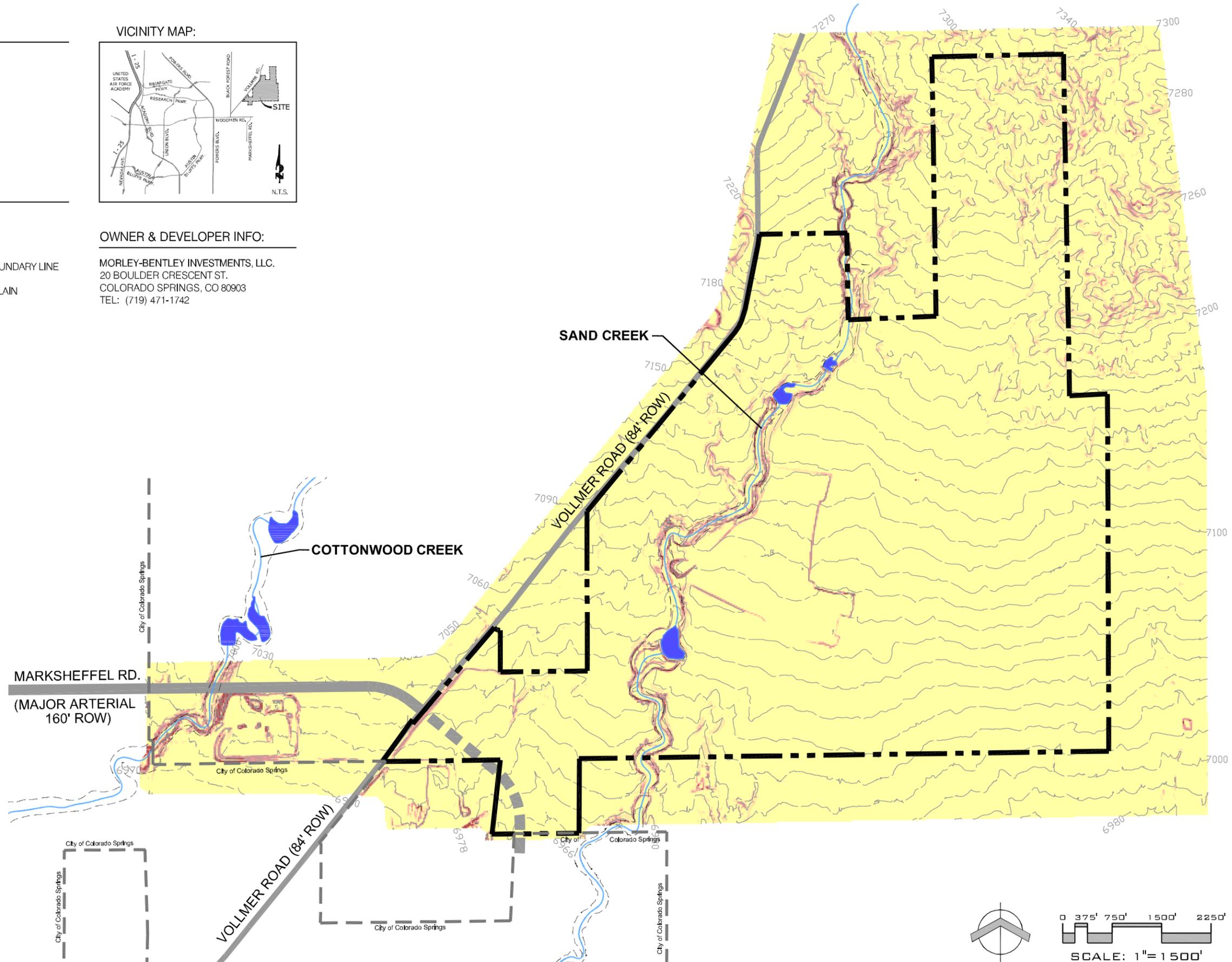
- EXISTING ROAD
- PROPOSED ROAD
- CITY / COUNTY BOUNDARY LINE
- 100-YEAR FLOODPLAIN
- CREEK
- POND

VICINITY MAP:



OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742

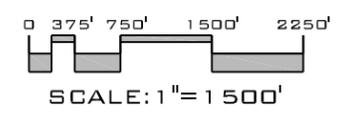
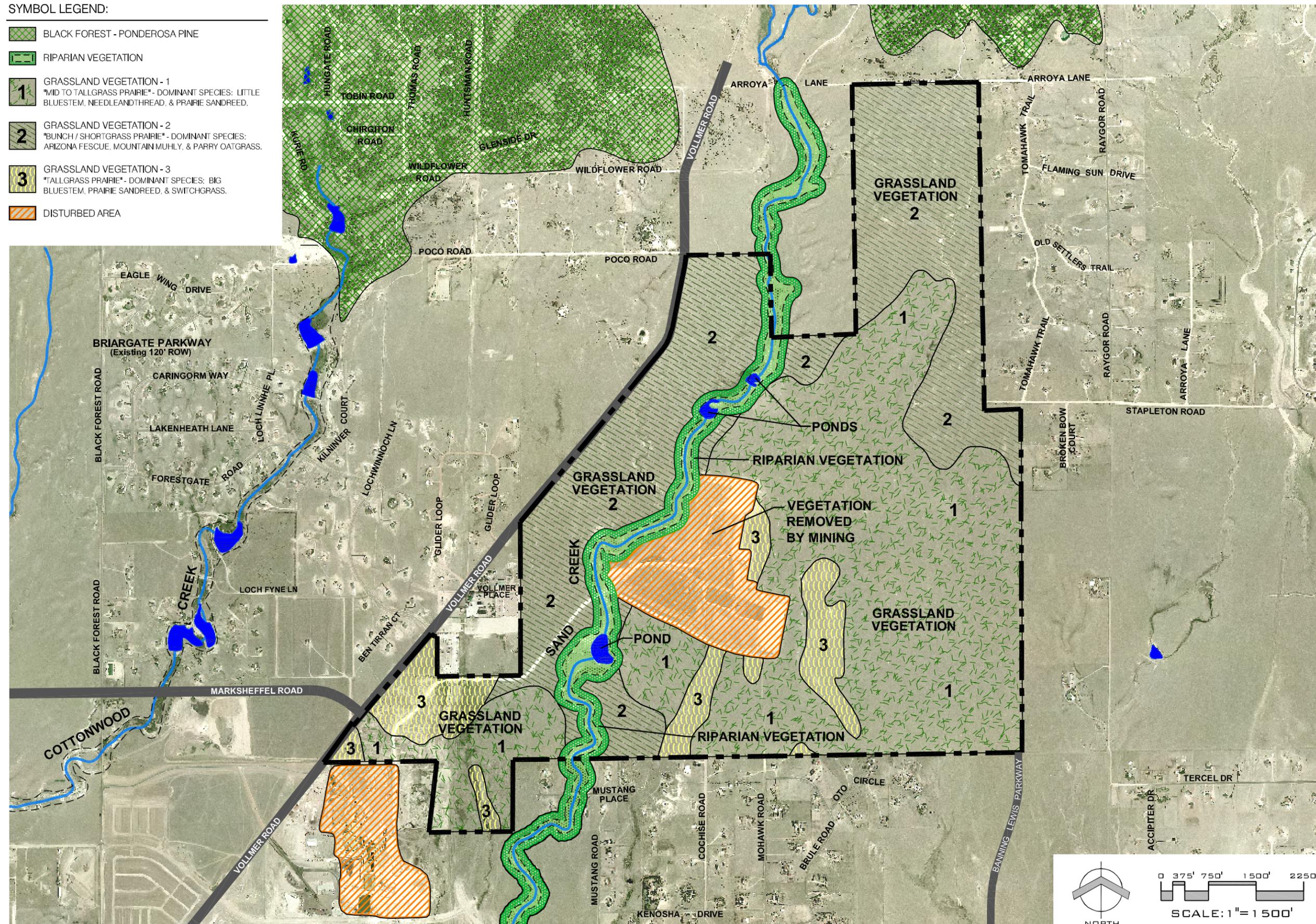


**Sterling Ranch
 SLOPE ANALYSIS**

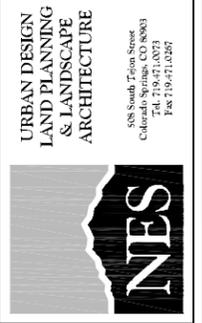
MORLEY-BENTLEY INVESTMENTS, LLC.

SYMBOL LEGEND:

-  BLACK FOREST - PONDEROSA PINE
-  RIPARIAN VEGETATION
-  GRASSLAND VEGETATION - 1
"MID TO TALLGRASS PRAIRIE" - DOMINANT SPECIES: LITTLE BLUESTEM, NEEDLEANDTHREAD, & PRAIRIE SANDREED.
-  GRASSLAND VEGETATION - 2
"BUNCH / SHORTGRASS PRAIRIE" - DOMINANT SPECIES: ARIZONA FESCUE, MOUNTAIN MUHLY, & PARRY OATGRASS.
-  GRASSLAND VEGETATION - 3
"TALLGRASS PRAIRIE" - DOMINANT SPECIES: BIG BLUESTEM, PRAIRIE SANDREED, & SWITCHGRASS.
-  DISTURBED AREA



**Sterling Ranch
VEGETATION ANALYSIS**
MORLEY-BENTLEY INVESTMENTS, LLC.



SYMBOL LEGEND:



PHOTO VIEW POINTS
(See Figure 6 for
corresponding photos)



BUFFER / VISUAL SCREENING



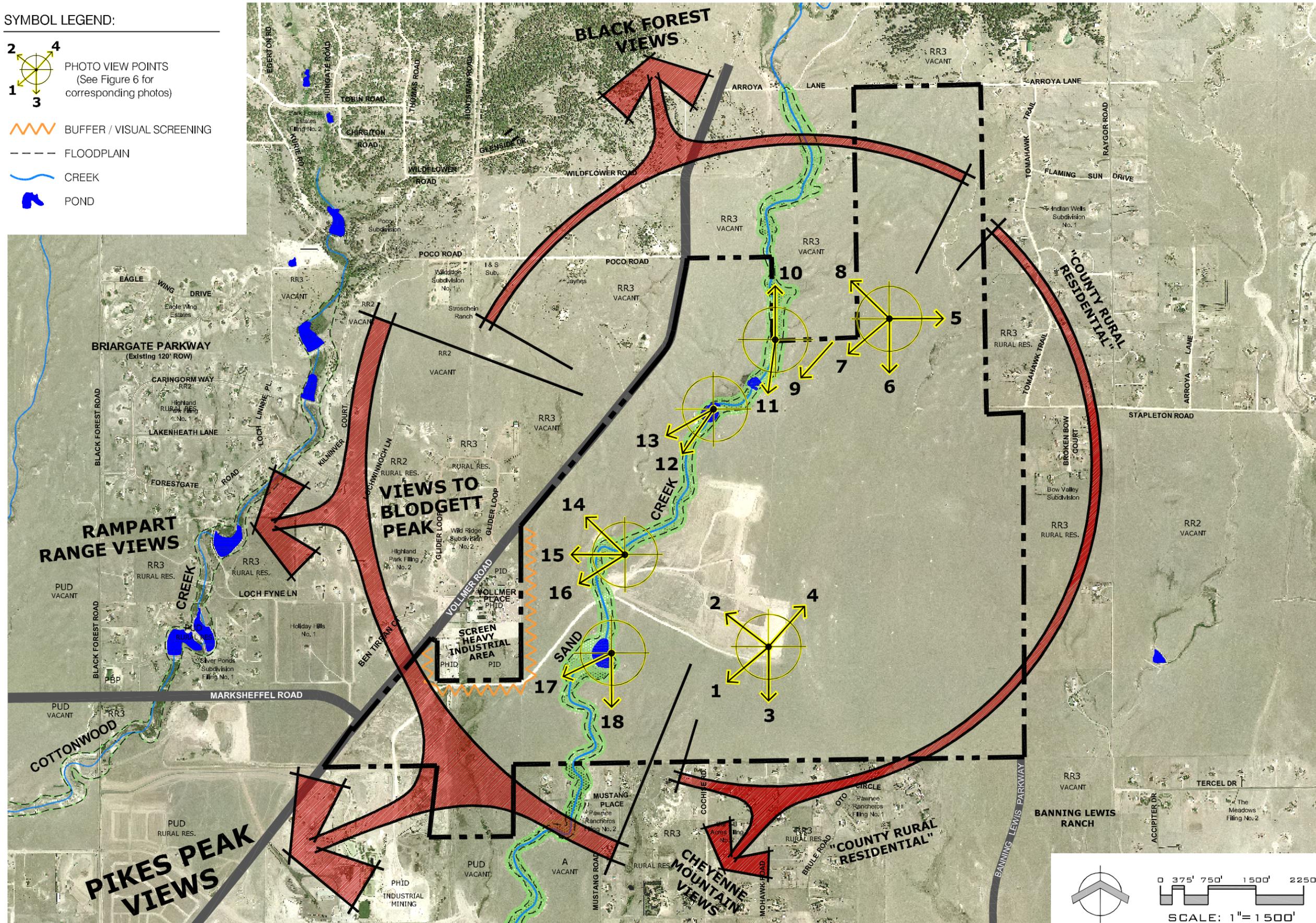
FLOODPLAIN



CREEK



POND



Sterling Ranch
VISUAL ANALYSIS

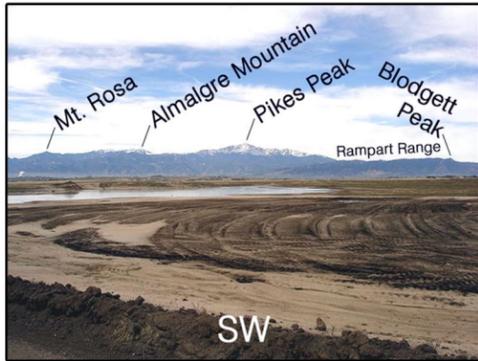
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FIGURE NO.

5

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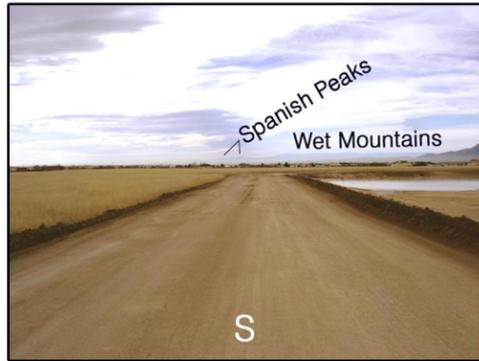
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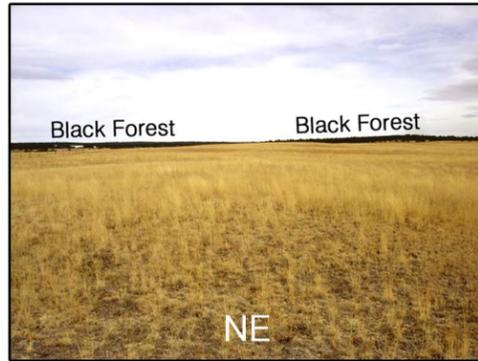
1. Southwest view from Sand Mine



2. Northwest view from Sand Mine



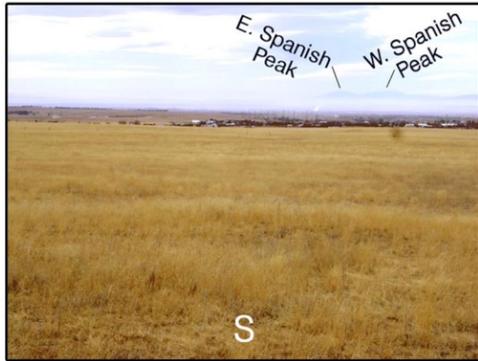
3. South view from Sand Mine



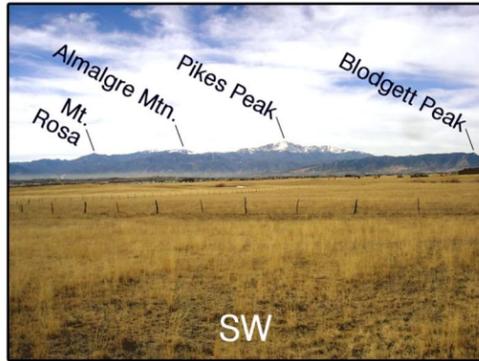
4. Northeast view from Sand Mine



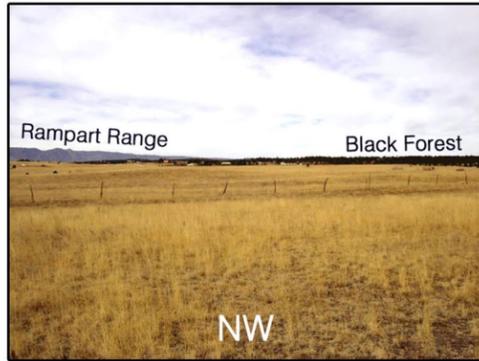
5. East view from Northside Knoll



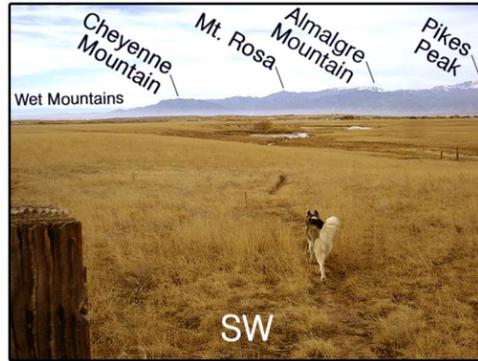
6. South view from Northside Knoll



7. Southwest view from Northside Knoll



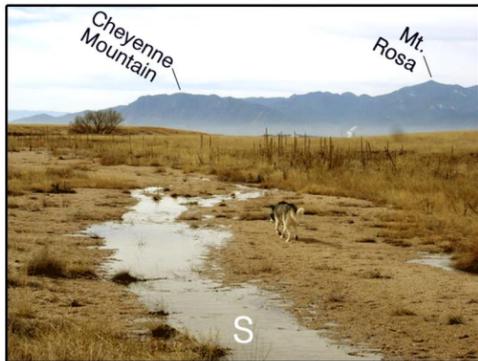
8. Northwest view from Northside Knoll



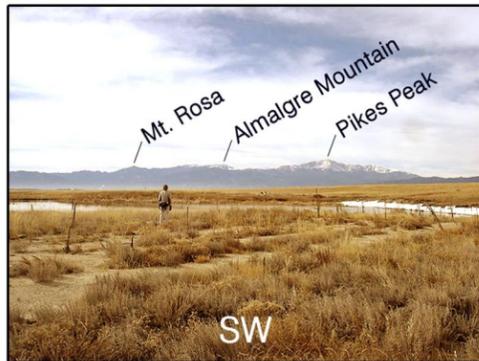
9. Southwest view of Creek from NE edge of drainage



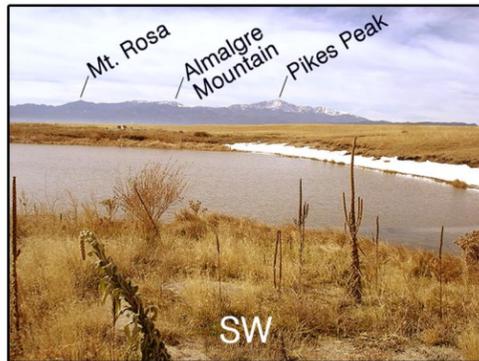
10. North view of Creek from property line looking offsite



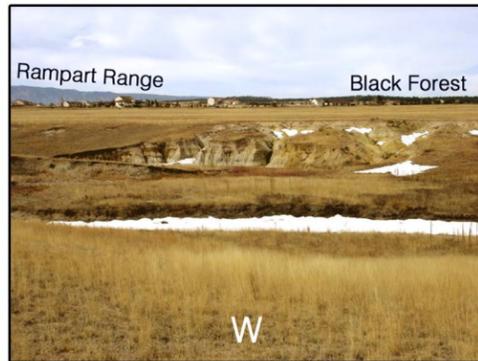
11. South view of Creek from property line



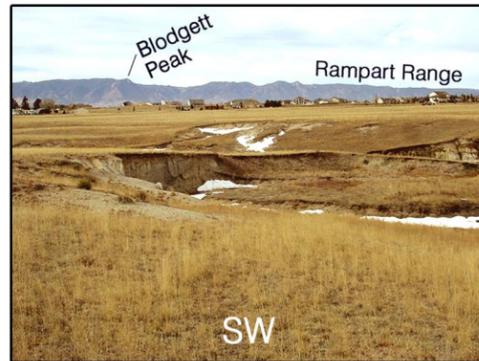
12. Southwest view from Medium pond



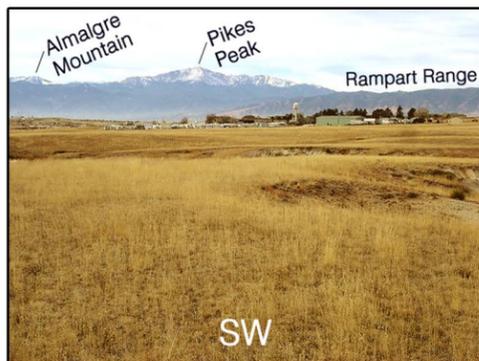
13. Southwest view from Medium Pond



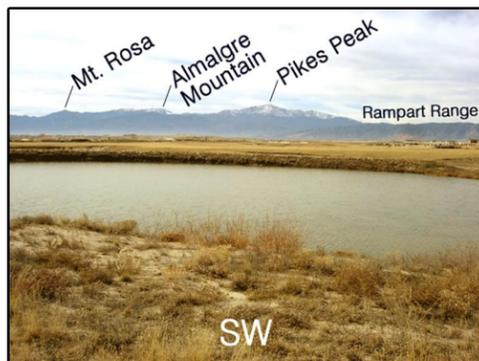
14. West view from North of Sand Pile



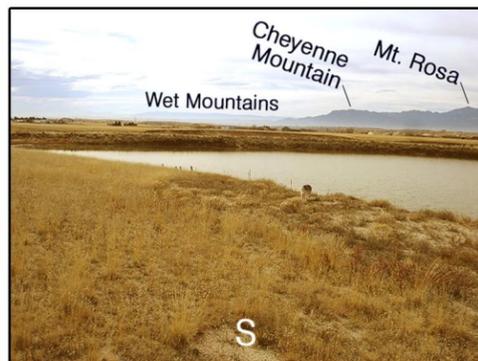
15. Southwest view from North of Sand Pile



16. Southwest view from North of Sand Pile



17. Southwest view from Large Pond



18. South view from Large Pond

Sterling Ranch SITE PHOTOS

MORLEY-BENTLEY INVESTMENTS, LLC.

FIGURE NO.

6

PAGE 28

DATE:
OCT. 2007

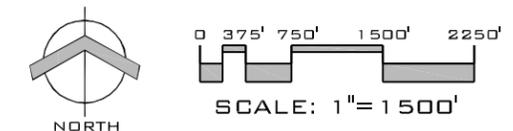
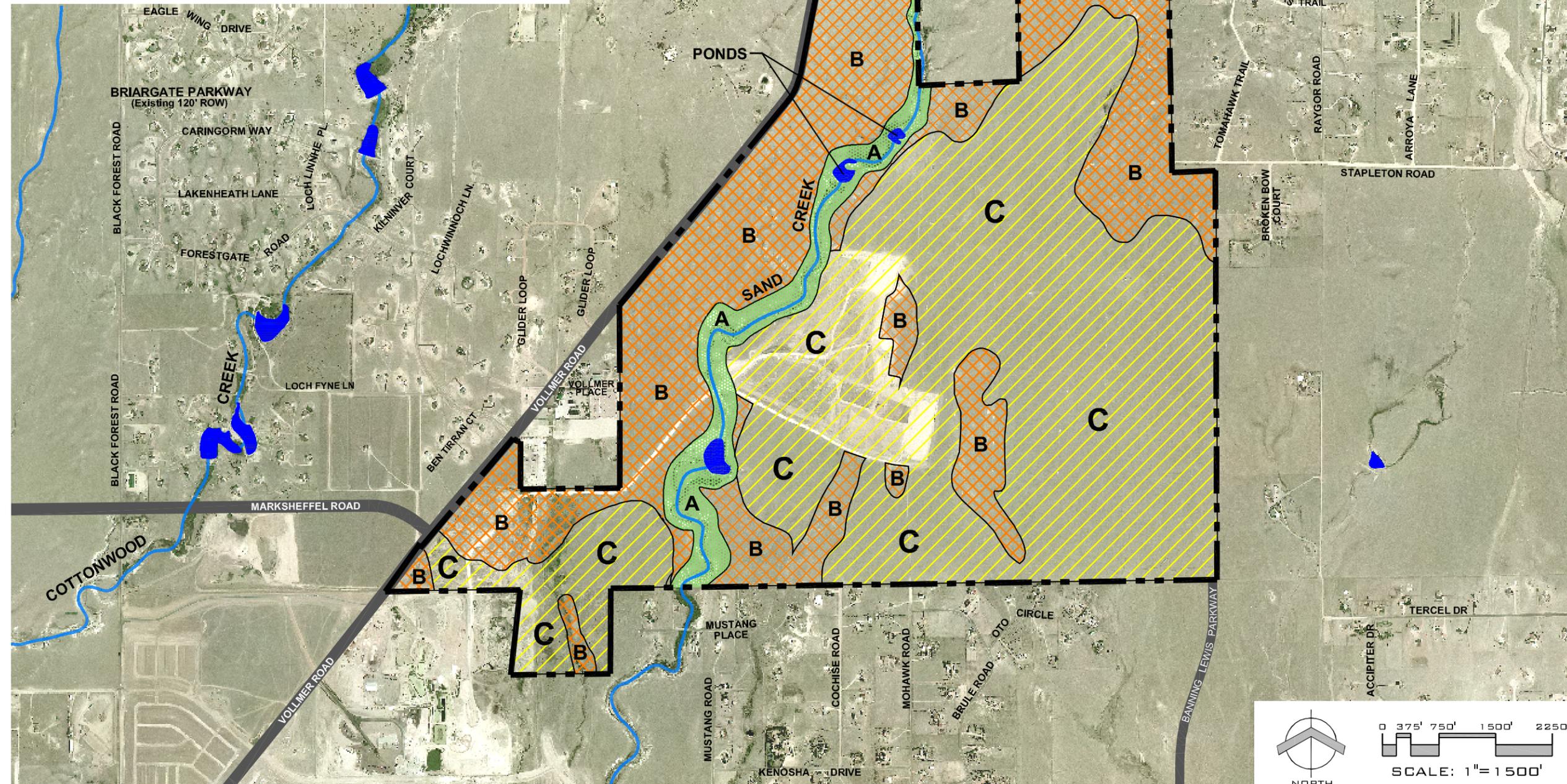
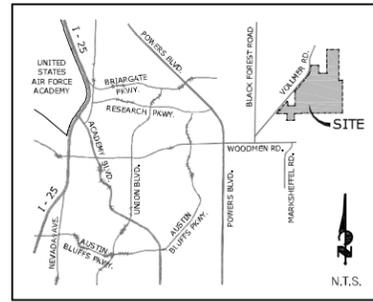
OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742

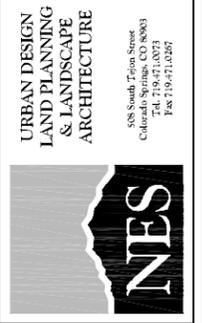
SYMBOL LEGEND:

- A** PRESERVATION AREA
 MOST SIGNIFICANT / SENSITIVE NATURAL RESOURCE
 AREA - PRESERVATION ENCOURAGED. ± 76 ACRES
- B** SOME DEVELOPMENT CONSTRAINTS
 DEVELOPMENT AREA MAY BE CONSTRAINED BY
 ENVIRONMENT, GEOLOGY, SOILS, ETC., ± 587 ACRES
- C** MINIMAL DEVELOPMENT CONSTRAINTS
 SUITABLE DEVELOPMENT AREA. ± 782 ACRES

VICINITY MAP:



**Sterling Ranch
 COMPOSITE ANALYSIS**
 MORLEY-BENTLEY INVESTMENTS, LLC.



LAND USE LEGEND:

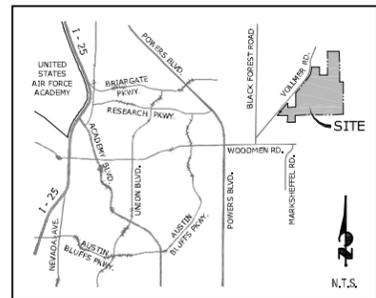
	44 AC. RESIDENTIAL: 0.2 DU/AC,	9 D.U.
	33 AC. RESIDENTIAL: 0.4 DU/AC,	13 D.U.
	35 AC. RESIDENTIAL: 1 DU/AC,	35 D.U.
	163 AC. RESIDENTIAL: 2 DU/AC,	326 D.U.
	475 AC. RESIDENTIAL: 3-5 DU/AC,	1,900 D.U.
	101 AC. RESIDENTIAL: 5-8 DU/AC,	606 D.U.
	257 AC. RESIDENTIAL: 5-8 DU/AC ACTIVE ADULT,	1,600 D.U.
	32 AC. RESIDENTIAL: 8-12 DU/AC,	320 D.U.
	41 AC. RESIDENTIAL: 12-20 DU/AC,	691 D.U.
	56 AC. COMMERCIAL	
	57 AC. ELEMENTARY / K-8 SCHOOL	
	18 AC. NEIGHBORHOOD PARK	
	30 AC. COMMUNITY PARK	
	57 AC. OPEN SPACE / PARK / GREENWAY	
	43 AC. OPEN SPACE / BUFFER	
	2 AC. UTILITY PARCEL	

TOTAL: 1,444 AC. TOTAL: 5,500 D.U. Max

SYMBOL LEGEND:

	ROAD
	FULL MOVEMENT ACCESS POINT
	100-YEAR FLOODPLAIN
	TRAIL
	BUFFER / OS TRAIL CORRIDOR / EASEMENT
	NEIGHBORHOOD PARK
	ACCES SPACING (FEET)

VICINITY MAP:

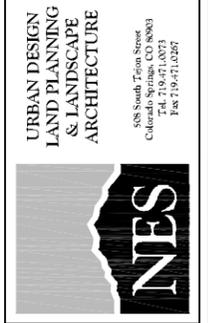
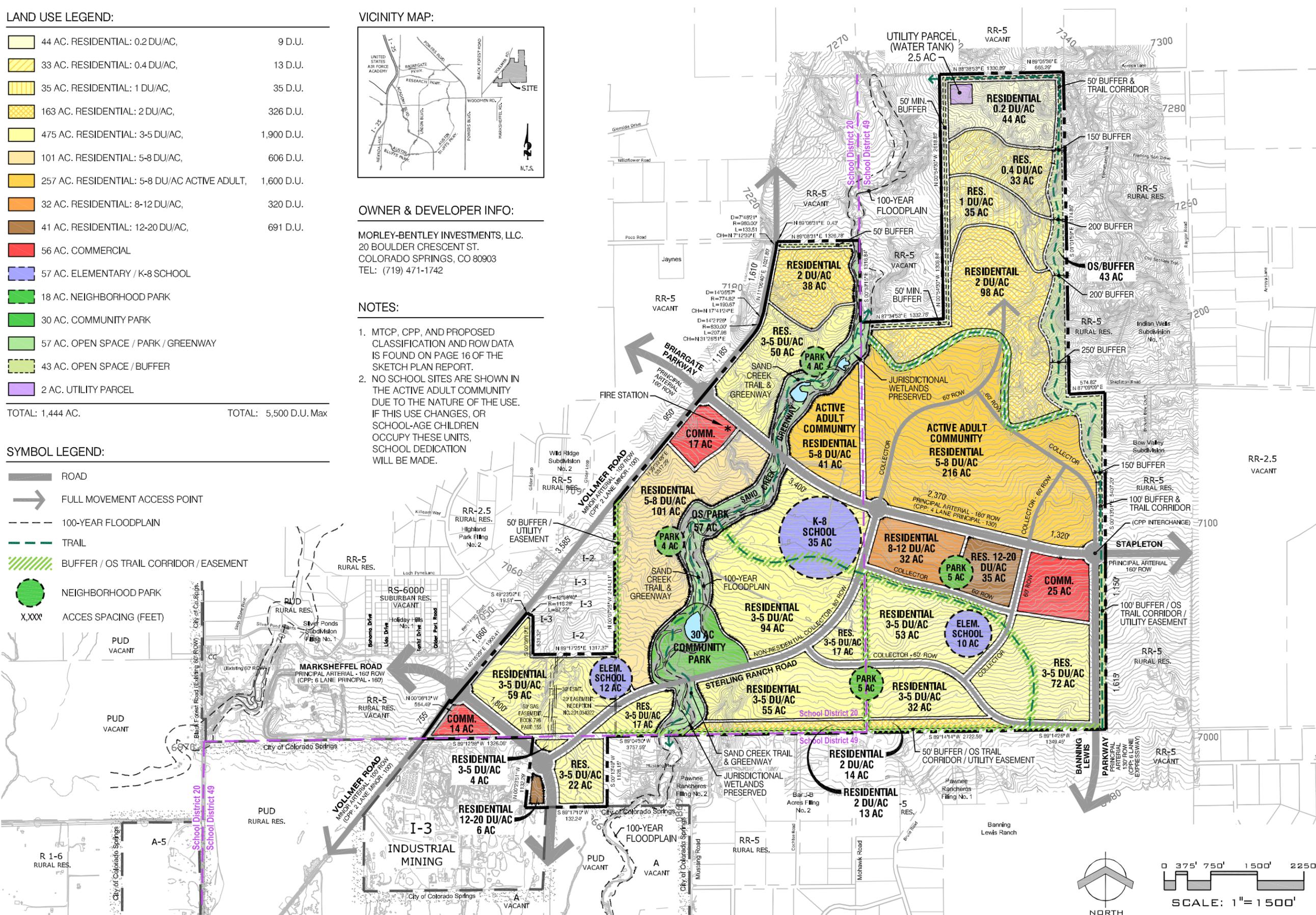


OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
20 BOULDER CRESCENT ST.
COLORADO SPRINGS, CO 80903
TEL: (719) 471-1742

NOTES:

1. MTCP, CPP, AND PROPOSED CLASSIFICATION AND ROW DATA IS FOUND ON PAGE 16 OF THE SKETCH PLAN REPORT.
2. NO SCHOOL SITES ARE SHOWN IN THE ACTIVE ADULT COMMUNITY DUE TO THE NATURE OF THE USE. IF THIS USE CHANGES, OR SCHOOL-AGE CHILDREN OCCUPY THESE UNITS, SCHOOL DEDICATION WILL BE MADE.



Sterling Ranch
AMENDED SKETCH PLAN
 MORLEY-BENTLEY INVESTMENTS, LLC.

LAND USE LEGEND:

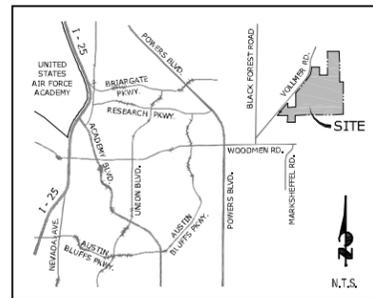
	44 AC. RESIDENTIAL: 0.2 DU/AC,	9 D.U.
	33 AC. RESIDENTIAL: 0.4 DU/AC,	13 D.U.
	35 AC. RESIDENTIAL: 1 DU/AC,	35 D.U.
	163 AC. RESIDENTIAL: 2 DU/AC,	326 D.U.
	475 AC. RESIDENTIAL: 3-5 DU/AC,	1,900 D.U.
	101 AC. RESIDENTIAL: 5-8 DU/AC,	606 D.U.
	257 AC. RESIDENTIAL: 5-8 DU/AC ACTIVE ADULT,	1,325 D.U.
	32 AC. RESIDENTIAL: 8-12 DU/AC,	320 D.U.
	41 AC. RESIDENTIAL: 12-20 DU/AC,	691 D.U.
	56 AC. COMMERCIAL	
	57 AC. ELEMENTARY / K-8 SCHOOL	
	18 AC. NEIGHBORHOOD PARK	
	30 AC. COMMUNITY PARK	
	57 AC. OPEN SPACE / PARK / GREENWAY	
	43 AC. OPEN SPACE / BUFFER	
	2 AC. UTILITY PARCEL	

TOTAL: 1,444 AC. TOTAL: 5,225 D.U. Max

SYMBOL LEGEND:

	ROAD
	FULL MOVEMENT ACCESS POINT
	100-YEAR FLOODPLAIN
	TRAIL
	BUFFER / OS TRAIL CORRIDOR / EASEMENT
	NEIGHBORHOOD PARK
	ACCES SPACING (FEET)

VICINITY MAP:

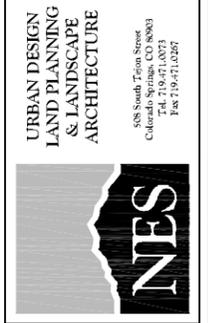
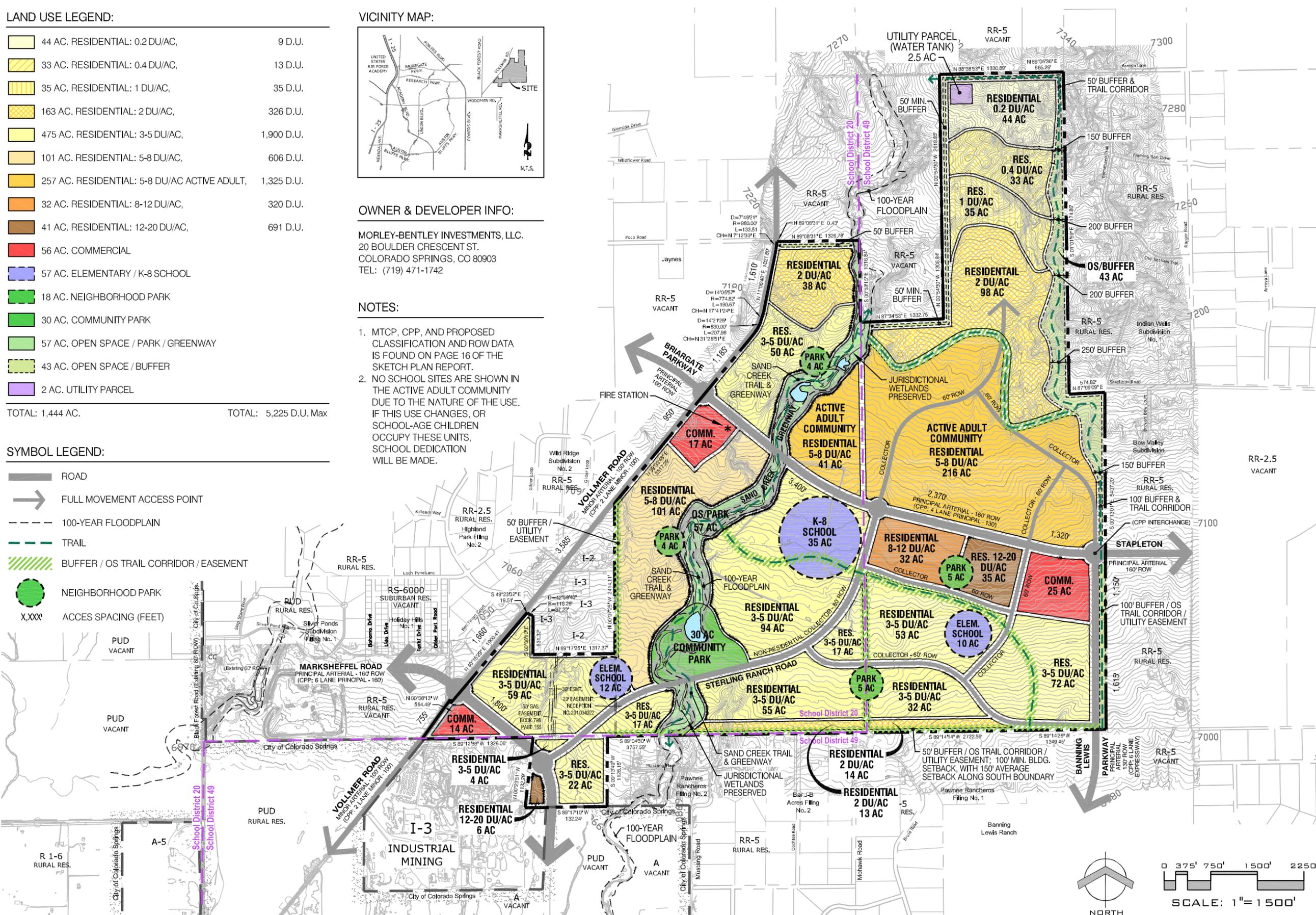


OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
20 BOULDER CRESCENT ST.
COLORADO SPRINGS, CO 80903
TEL: (719) 471-1742

NOTES:

1. MTCP, CPP, AND PROPOSED CLASSIFICATION AND ROW DATA IS FOUND ON PAGE 16 OF THE SKETCH PLAN REPORT.
2. NO SCHOOL SITES ARE SHOWN IN THE ACTIVE ADULT COMMUNITY DUE TO THE NATURE OF THE USE. IF THIS USE CHANGES, OR SCHOOL-AGE CHILDREN OCCUPY THESE UNITS, SCHOOL DEDICATION WILL BE MADE.



Sterling Ranch
APPROVED SKETCH PLAN
 MORLEY-BENTLEY INVESTMENTS, LLC.

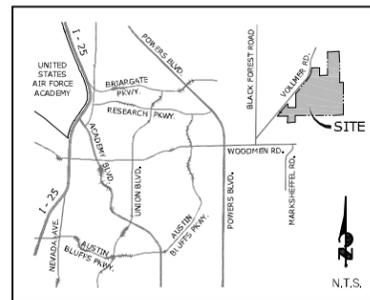
DEVELOPMENT PHASING LEGEND:

- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4
- PHASE 5
- OS / PARK / GREENWAY
- OS / BUFFER

SYMBOL LEGEND:

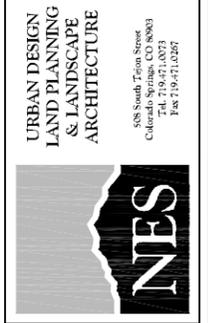
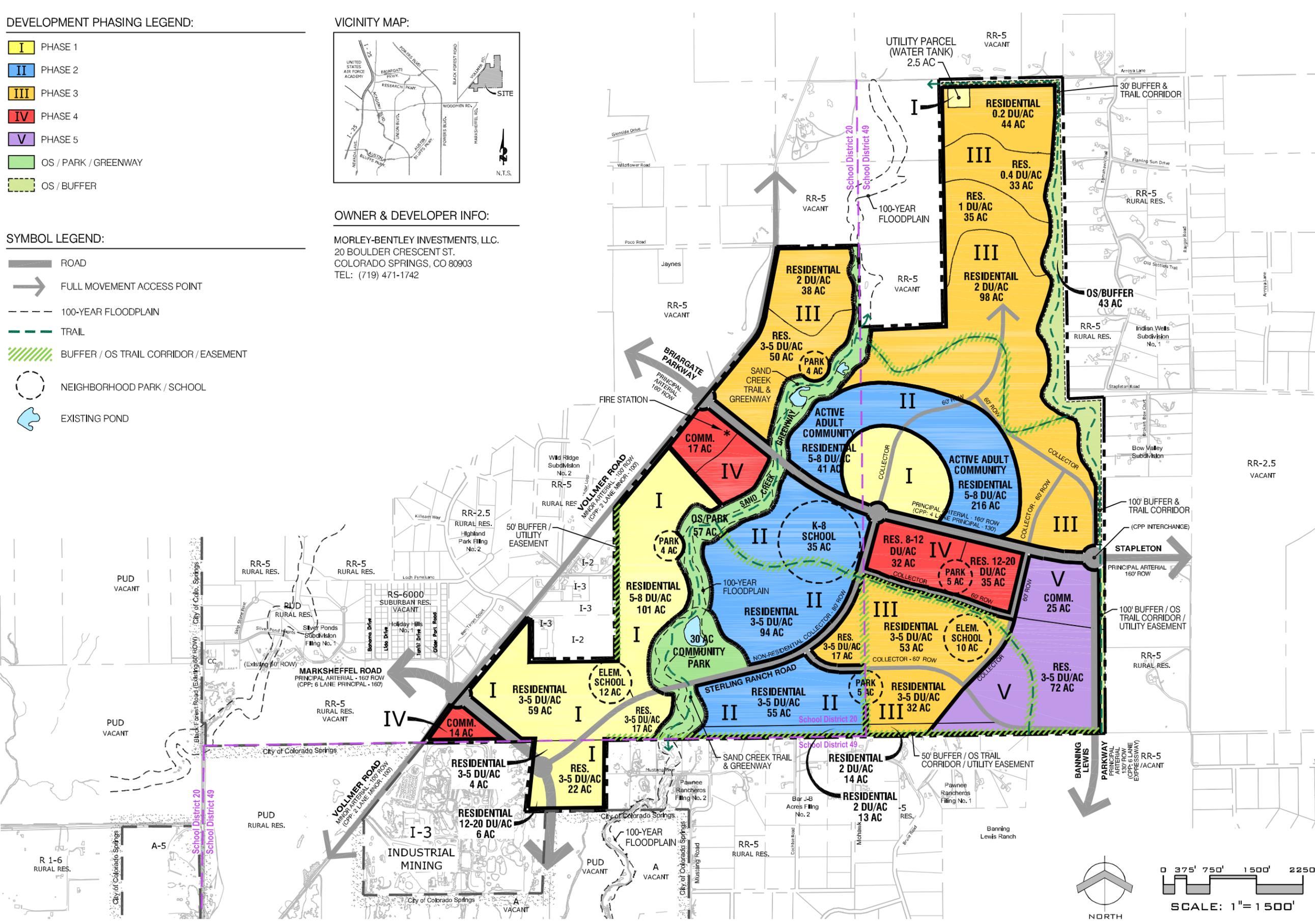
- ROAD
- FULL MOVEMENT ACCESS POINT
- 100-YEAR FLOODPLAIN
- TRAIL
- BUFFER / OS TRAIL CORRIDOR / EASEMENT
- NEIGHBORHOOD PARK / SCHOOL
- EXISTING POND

VICINITY MAP:



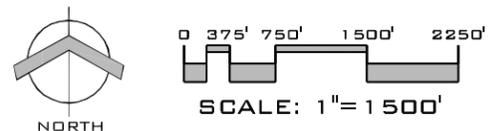
OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742



Sterling Ranch
DEVELOPMENT PHASING PLAN

MORLEY-BENTLEY INVESTMENTS, LLC.



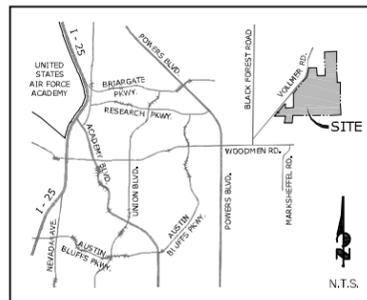
TRANSPORTATION PHASING LEGEND:

- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4
- PHASE 5
- OS / PARK / GREENWAY
- OS / BUFFER

SYMBOL LEGEND:

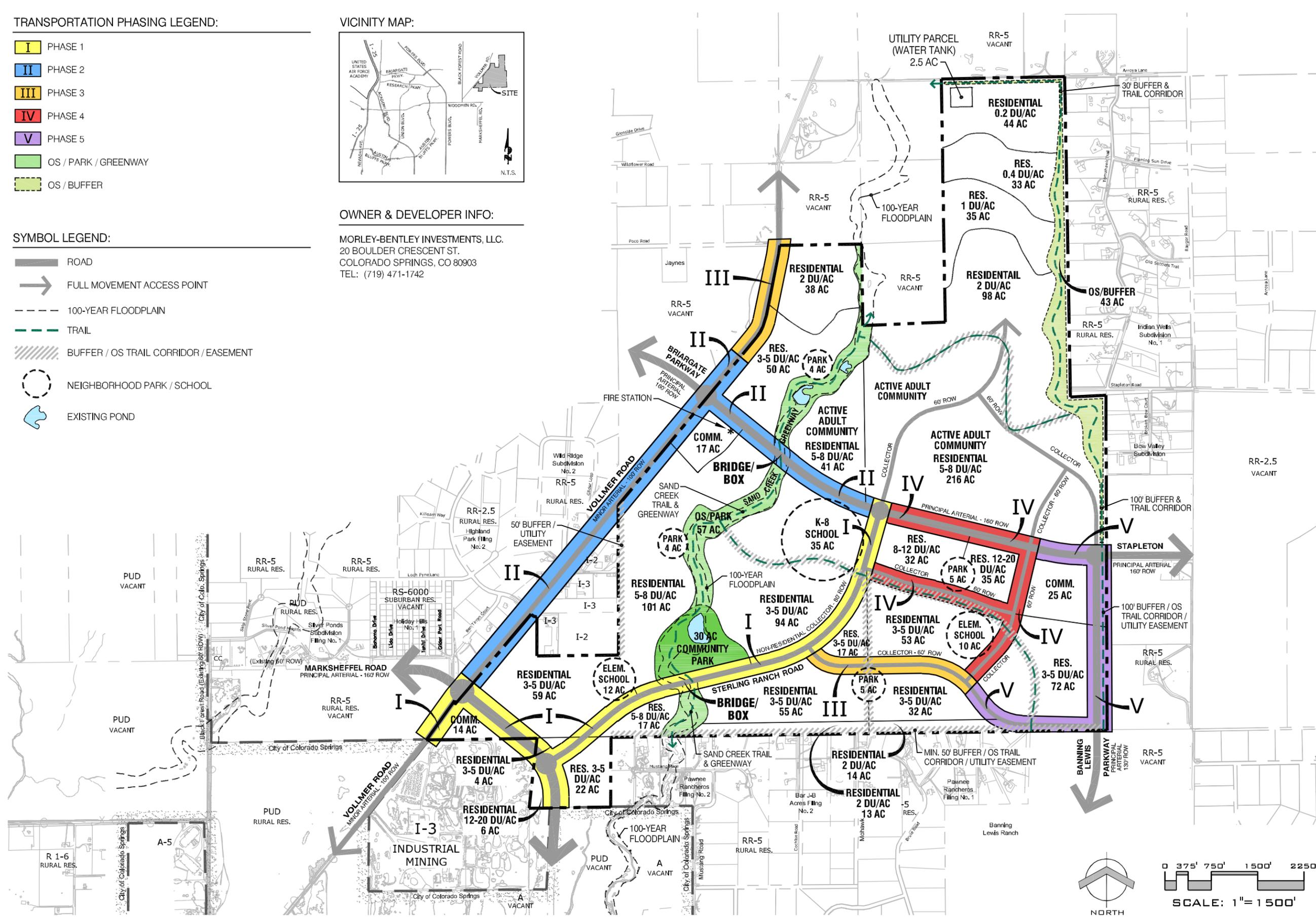
- ROAD
- FULL MOVEMENT ACCESS POINT
- 100-YEAR FLOODPLAIN
- TRAIL
- BUFFER / OS TRAIL CORRIDOR / EASEMENT
- NEIGHBORHOOD PARK / SCHOOL
- EXISTING POND

VICINITY MAP:

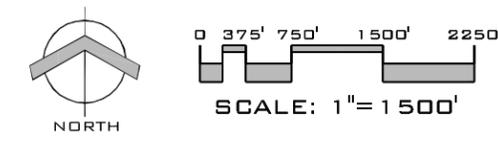
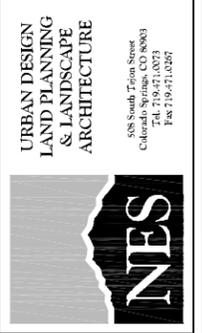


OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742



Sterling Ranch
 TRANSPORTATION PHASING PLAN



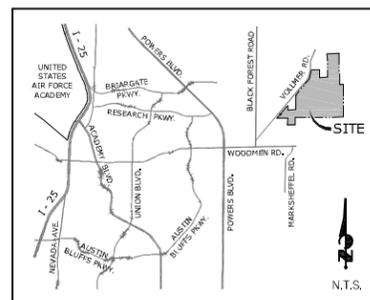
DRAINAGE LEGEND:

- 100-YEAR FLOODPLAIN
- EXISTING CREEK
- EXISTING POND
- OPEN CHANNEL
- DETENTION POND

SYMBOL LEGEND:

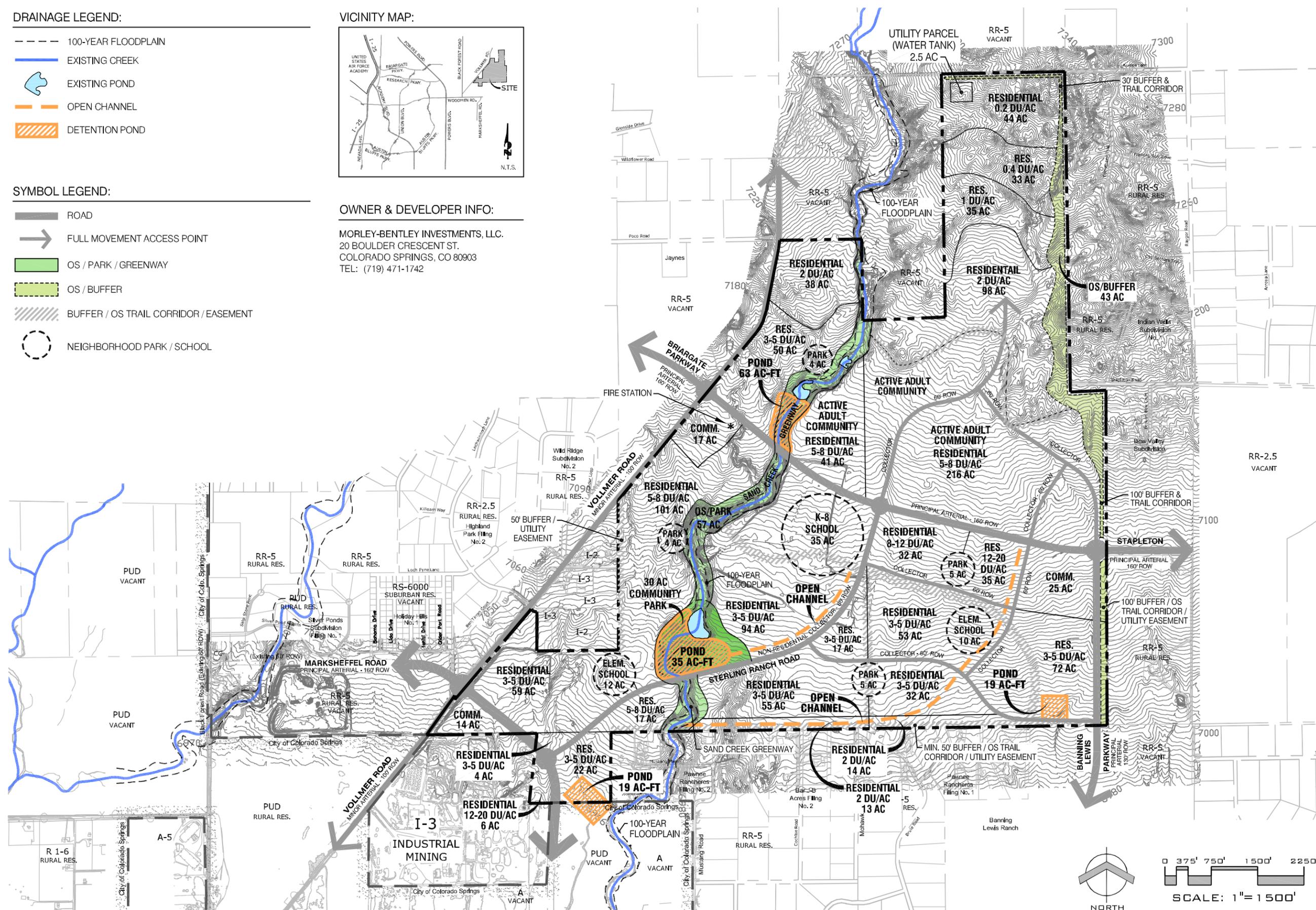
- ROAD
- FULL MOVEMENT ACCESS POINT
- OS / PARK / GREENWAY
- OS / BUFFER
- BUFFER / OS TRAIL CORRIDOR / EASEMENT
- NEIGHBORHOOD PARK / SCHOOL

VICINITY MAP:

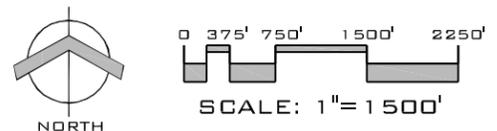


OWNER & DEVELOPER INFO:

MORLEY-BENTLEY INVESTMENTS, LLC.
 20 BOULDER CRESCENT ST.
 COLORADO SPRINGS, CO 80903
 TEL: (719) 471-1742



**Sterling Ranch
 DRAINAGE PLAN**
 MORLEY-BENTLEY INVESTMENTS, LLC.



APPENDIX A LEGAL DESCRIPTION

1. *Legal Description*

THE WEST HALF OF THE WEST HALF OF THE EAST HALF AND EAST HALF OF THE WEST HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THE EAST HALF OF THE SOUTHEAST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 28; THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF SECTION 34; THE EAST HALF AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33 LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33 LYING SOUTH AND EAST OF SAID COUNTY ROAD AS DEEDED TO COLORADO INTERSTATE GAS COMPANY BY WARRANTY DEED RECORDED IN BOOK 1173 AT PAGE 359; AND THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTHEAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 32, EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32 DEEDED TO J. MARCUS BROWN BY TRUSTEES' DEED RECORDED IN BOOK 3292 AT PAGE 168; ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO. ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO LYING SOUTH AND EAST OF THE COUNTY ROAD (VOLLMER ROAD), ALSO: THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTHERLY OF AN EXISTING EAST- WEST FENCE AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED DECEMBER 23, 2004 AT RECEPTION NO. 204209417, COUNTY OF EL PASO, STATE OF COLORADO, ALSO: THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., LYING SOUTHEASTERLY OF THE PUBLIC ROAD KNOWN AS VOLLMER ROAD, EL PASO COUNTY, COLORADO, AND CONTAINING 1443.695 ACRES MORE OR LESS.

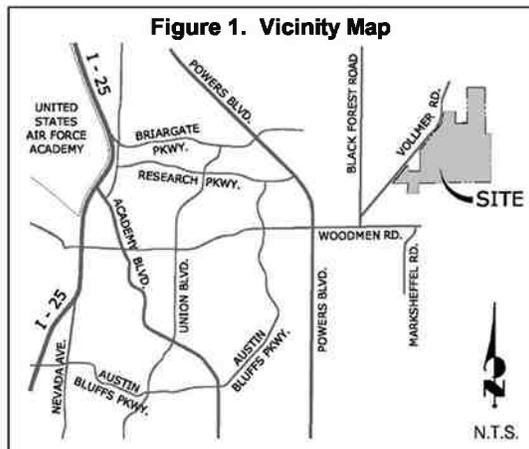
APPENDIX B
LETTER OF INTENT

Sterling Ranch Sketch Plan Letter of Intent Revised August 25, 2008

Owner: Morley-Bentley Investments, LLC
20 Boulder Crescent Street
Colorado Springs, CO 80903
(719) 471-1742

Applicant/Consultant: N.E.S. Inc.
508 S. Tejon St.
Colorado Springs, CO 80903
(719) 471-0073
(719) 471-0267 (Fax)

Site Location: The Sterling Ranch Sketch Plan consists of approximately 1,445 acres located northeast of Vollmer Road and Marksheffel Road. The subject site is located in El Paso County.



Proposed Sketch Plan. The Sterling Ranch Sketch Plan project will be a high quality, urban mixed residential development with a variety of densities interspersed throughout the property with a moderate amount of commercial development located on major arterials. Each phase of the plan will have a variety of residential densities and product types to ensure a diverse community. An interconnected system of trails, open spaces and neighborhood parks will be provided within the project to allow for a recreation oriented community. This system of open

spaces, trails and parks is intended to provide a comprehensive off-street pedestrian circulation system that would supplement the standard sidewalks along streets. Parks have been located so that residents have a five minute walk or less to these facilities.

Land Use Compatibility. One of the goals of the Sterling Ranch Sketch Plan is to achieve land use compatibility with adjacent properties. To achieve this goal, a 43-acre open space/buffer is proposed along the northeast portion of the property. A buffer/utility easement is proposed along the majority of the south side of the project. This buffer (with a minimum width of 50') will include a landscape berm as part of the design. The plan has also been amended to show a 50' buffer between the proposed residential parcel and existing parcel zoned industrial, east of Vollmer Road in the southwestern area of the Sketch Plan.

It is the intent of the applicant to create a landscape berm along the Vollmer Road frontage using Ponderosa Pine as a part of the planting scheme. This approach is intended to create a forested entry to Black Forest by extending pine trees south of the currently forested area.

In addition, the 18-acre commercial parcel located northeast of Vollmer Road and Marksheffel, has been changed to residential land use, alleviating the potential conflict with adjacent land uses. The use to use relationship between the commercial parcel and the residential use (southeast of Vollmer and Briargate Parkway) will be mediated through design methods including buffering of the residential land use by a collector street, and landscape buffer. In addition, a portion of the residential may include townhome use, which will also be buffered by the collector road.

The land use design of the remainder of the Sketch Plan provides adequate internal use-to-use relationships; individual zoning categories will address specific buffer requirements at the preliminary plan stage.

Conformance with Black Forest Plan. The Sterling Ranch Sketch Plan is in conformance with the recommendations of the Black Forest Preservation Plan. Land use compatibility and an appropriate transition from rural density (Black Forest) to urban density was one of the most important objectives in the design of the Sketch Plan.

In the formulation of the Sketch Plan, the site analysis included an evaluation of adjacent land use, in addition to existing vegetation. The Sterling Ranch Sketch Plan area is predominantly a grassland prairie with some rangeland areas. The design of the Sketch Plan conformed to the following goals of the Southern Transitional Area of the Black Forest Plan.

Southern Transitional Area.

Any new urban development should be compatible with existing rural residential subdivisions.

Overall densities should decrease to one dwelling unit per five acres at the timbered edge area.

Urban density development should be approved if adequate urban services are available.

The Northeast Buffer- north of Briargate Parkway

The northeast portion of the Plan, with 91 acres of proposed 2.5 acre lots, and the 43-acre open space buffer yields an average density of one unit per five acres. This buffer ranges from 500' wide and larger along the northern edge and adjacent to the Indian Wells and Bow Valley subdivisions. The logical boundary of the Black Forest which evolved through the site analysis was north of Arroya Lane.

East Buffer- south of Briargate Parkway

The plan has been amended to show a 100' buffer/utility easement south of the proposed Briargate Parkway.

Active Adult Compatibility

The proposed Active Adult community will have less of an impact on adjacent properties than traditional single-family development. The reasons for this are as follows:

The proposed Active Adult Community will be designed with the objective of providing a transitional area between rural and urban land use. The residential land uses recommended for the Active Adult will be clustered within specific areas. The higher density areas will be located within close proximity to Briargate Parkway, with lower density to the north, adjacent to the RR-5 area. For example, the design may include townhome and clustered development in the southern portion, with more traditional single family lots as the site transitions to the north, adjacent to the northern boundaries.

Assuming PUD zoning for the site, future Site Specific plans will show the described density transitions. Buffering adjacent uses to the Active Adult area will also be addressed with the future site specific plans.

Res. 3-5 DU/AC.- north of Briargate Parkway

85% of this parcel is within ¼ mile of Briargate Parkway. Due to access constraints, this parcel will be planned as one subdivision. Poco Road serves as a logical boundary between residential and urban land use. Buffering adjacent uses will also be addressed with the site specific plan.

Res. 5-8 DU/AC.- east of Vollmer Road

The plan has been amended to show a 50' buffer/utility easement between the proposed Residential (5-8 DU/AC) parcel and the existing land zoned industrial. Along Vollmer Road, the streetscape section will be designed to extend the forested character of Black Forest south, into the Sketch Plan area. This will be accomplished through landscape berming, and the planting of pine trees.

Traffic. A Traffic Impact Analysis has been prepared by LSC Transportation Consultants, Inc. The major existing road serving this area is Vollmer Road, which connects residents to Black Forest Road and Woodmen Road. Ultimately, three Principal Arterial streets will pass through the site to provide additional access. Marksheffel Road will be extended north and west from its current terminus at Woodmen Road to connect with the future extension of Research Parkway at Black Forest Road. Banning Lewis Parkway will run along the eastern boundary of the site. Briargate Parkway will be extended east from its current terminus within the Wolf Ranch development and pass through the site, connecting with the future extension of Stapleton Road at Banning Lewis Parkway. Additionally, a Minor Arterial street is planned to run through the middle of the site on a southwest-to-northeast alignment between Marksheffel Road and Briargate Parkway and will provide much of the access for the various proposed land uses.

Districts Serving the Property

- Falcon School District 49, Academy School District 20
- Mountain View Electric Association
- City of Colorado Springs Utilities Department - Gas
- Black Forest Fire Protection District
- Wastewater will be provided by the Woodmen Hills and Paint Brush Hills Metropolitan Districts, owners of the Paint Brush Hills Regional Wastewater Treatment Facility (refer to the Letter of Commitment in Appendix D)
- Water will be provided by the proposed Sterling Ranch Metropolitan District

APPENDIX C
U.S. FISH AND WILDLIFE SERVICE LETTERS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other
TAILS 65412-2007-TA-0315

DEC - 8 2006

Thomas Ryon
Wildlife Biologist/Certified Ecologist
Otter Tail Environmental, Inc.
1045 North Ford Street
Golden, Colorado 80403

Dear Thomas Ryon:

This responds to your letter of October 31, 2006 requesting a "Block Clearance Zone" on Sand Creek in Colorado Springs, El Paso County, Colorado. The U.S. Fish and Wildlife Service (Service) has reviewed your proposal under authority conferred to the Service by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*).

We concur with your conclusion that the proposed exclusion area does not contain a sustainable Preble's meadow jumping mouse (*Zapus hudsonius preblei*) population. Therefore the following described area is designated as a Block Clearance Zone: Sand Creek in both the City of Colorado Springs and El Paso County, along the main stem from 1 mile south of Woodmen Road, (western ½ Section 17, T13S, R65W) south to the confluence with Fountain Creek at Interstate 25 (NE ¼, NE ¼, Sect 4, T15S, R66W). Figure 1 illustrates the block exclusion zone using major roadways as boundaries and text immediately following Figure 1 describes the block exclusion zone in detail.

This area comprises the block exclusion area, with one exception. Not included in the Block Exclusion Zone is a section of the main stem of Sand Creek (approximately 1 mile east from the intersection of Woodmen Road and Black Forest Road) from where Sand Creek crosses Woodmen Road upstream to the headwaters and downstream for 1 mile. This section of Sand Creek is an area where the Service strongly encourages Preble's habitat assessments or trapping surveys and approval by the Service prior to any activities that may disturb potential mouse habitat.

Sand Creek and its tributaries are characterized by developed uplands and eroded or stabilized banks. There is a high degree of urbanization surrounding Sand Creek especially in the southern half of the watershed. The majority of the creek is located in the City of Colorado Springs and is surrounded by industrial, commercial, and residential development. With this development have come associated negative impacts including those from domestic pets and from increased stormwater runoff. In addition, much of the creek has been disturbed by previous projects, resulting in removal of vegetation, placement of rip-rap, and installation of numerous flood control structures. Sand Creek is highly disturbed and degraded and numerous future development projects are scheduled that will likely continue the degradation trend.

In designating a block clearance zone, the Service eliminates the need for individuals or agencies to coordinate with the Service prior to conducting activities in habitats that otherwise would be deemed to have the potential to support Preble's. The establishment of this block clearance zone is based on the likely absence of Preble's within the area, and there appears to be little likelihood that any of the area would be of importance in any future plan to recover the species. Should Preble's be discovered within the block clearance zone it would be subject to full protection under the Act and the Service would consider modification of the zone.

Our concurrence is based on the work performed by Colorado Springs Utilities which used a two-step approach to determine validity of this clearance. First, all previous project-related survey and assessment sites from 1997 to 2005 were identified within the drainage. Secondly, after these sites were identified, areas within the drainage greater than ½ mile in distance from any previously surveyed or assessed site were visited to assess for potential habitat. This second step employed "large scale assessments" (see letter to the Service from Colorado Springs Utilities dated June 22, 2006) unrelated to specific projects. This two-step method allowed for a systematic assessment of Preble's habitat within the Sand Creek drainage.

Between 1997 and 2005, a total of 8 trapping surveys and 83 assessments were conducted in the drainage by either the City of Colorado Springs, Colorado Springs Utilities, or private project proponents for a variety of projects (see letter to the Service from Colorado Springs Utilities dated June 22, 2006). In the 8 trapping surveys, no Preble's were captured. The Service has concurred with disqualifying all 83 habitat assessments as potential Preble's habitat.

Past surveys and assessments were reviewed to identify areas that had not been assessed at least every half-mile. These large scale assessments were conducted over two years, 2002 and 2006. These sites were assessed and photographed by Western Wildlife Institute in 2002 and by OtterTail Environmental, Inc. in 2006. We believe these sites should be disqualified, as they do not possess suitable habitat for Preble's. These areas are characterized by developed uplands, steep banks, and little riparian vegetation or are under-developed channel areas at the upper reaches of the tributaries. With these areas disqualified, there will have been assessments or surveys for Preble's at least every half mile in the proposed exclusion area.

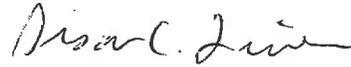
Effective the date of this letter, the block clearance zone will be effective for three years, or until a regional habitat conservation plan for the area is approved by the Service, whichever comes first. After three years the Service will review the clearance, any additional information, and may renew the clearance as deemed appropriate. Based on additional information, the clearance zone may be expanded or adjusted periodically. We will have maps of the block clearance zone available on our web site (<http://www.r6.fws.gov/preble>) and at our office. We will also have the supporting data and summaries of the trapping surveys available as part of the administrative record for this project.

The Service emphasizes that while wetlands and riparian habitats within the block clearance zone do not support Preble's, they should be conserved and enhanced for other values including fish and wildlife habitat, flood control, and maintenance of water quality.

Please note that Preble's was proposed for delisting on February 2, 2005 in the *Federal Register* (Vol. 70 No. 21 FR 5404). Until a final determination is made, Preble's will continue to be fully protected under the ESA.

Please contact Adam Misztal, of the Colorado Field Office further assistance at (303) 236-4753 or at email: adam_misztal@fws.gov.

Sincerely,



Susan C. Linner
Colorado Field Supervisor

cc: Mark Johnston, El Paso County Natural Resources Manager
Van Truan USACE, Chief, Southern Colorado Project Office
Federal Highway Administration, Colorado Federal Aid Division
Dan Prenzlów, Southeast Regional Manager, Colorado DOW
Peter Plage
Alison Michael



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other
TAILS 65412-2007-TA-0368

APR 11 2007

Janetta Shepard
Walsh Environmental Scientists and Engineers, LLC
4888 Pearl East Circle, Suite 108
Boulder, Colorado 80301

Dear Janetta Shepard:

This responds to your report of March 29, 2007 requesting site disqualification under the authority conferred to the U.S. Fish & Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The Service has reviewed the *Site Disqualification Report Preble's Meadow Jumping Mouse; Sterling Ranch Property; El Paso County, Colorado*.

Based on the information provided, the Service agrees that a population of Preble's is not likely to be present in the area. The Service concludes that the development of this site is not likely to adversely affect Preble's. Thus this site is disqualified for consideration under ESA.

On February 2, 2005 the U. S. Fish and Wildlife Service issued a 12-Month finding on a petition to delist Preble's. Because of the complexity involved, the Service has extended its original proposal. Until a final determination is made, Preble's remains protected under ESA.

Please note that this clearance is valid for one year from the date of this letter. Should additional information regarding listed or proposed species become available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request a clearance extension.

If we can be of further assistance, please contact Adam Misztal, of my staff, at (303) 236-4753 or at email: adam_misztal@fws.gov.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

APPENDIX D
WATER AND SEWER SERVICE COMMITMENT LETTERS

August 6, 2008

TO: Tony Bettis

FROM: William H. Fronczak

RE: **Water Supply Plan for the Sterling Ranch Development**

Below is a proposed water supply plan for the Sterling Ranch Development (the "Development"). As with the build out of the Development, the water supply will be developed and implemented in stages. The stages and anticipate water requirements are:

<u>Phase</u>	<u>ERUs</u>	<u>Water Required</u>
1	1054	371 AF/year
2	1120	394 AF/year
3	1920	675 AF/year
4	1420	500 AF/year
Total	5514	1940 AF/year

While the water supply is presented in separate stages, the total water supply for the Development at full build out has also been evaluated. The Development's presently owned water or water it has under contract is sufficient for over 5500 equivalent residential units ("ERUs"). The Development will continue to evaluate its water resources and other water resources may be identified and developed that are (i) less costly to implement; or (ii) are better suited for the overall development plan. The Development reserves all rights to identify and develop other water resources that it determines are best suited for the overall success of the project.

I. Phase I (1040 ERUs) – Use of the Arapahoe and Laramie-Fox Hills Groundwater Underlying the Development Adjudicated in Case Nos. 86CW18 and. 86CW19

The Development has 1114 acre-feet per year of non-tributary Arapahoe and Laramie-Fox Hills groundwater water already adjudicated from underneath a portion of its property.¹

¹ Case No. 86CW18 adjudicated 575 acre-feet per year from the Arapahoe and Case No. 86CW19 adjudicated 539 acre-feet per year of Laramie-Fox Hills. The land area utilized in these adjudications was approximately 1395 acres of the 1447 acres currently proposed for the Development.

This groundwater is a non-renewable resource which was adjudicated based upon a 100 year aquifer life. El Paso County has a 300 year water supply rule for new subdivisions utilizing non-renewable resources. Therefore, the Development, for planning purposes, has determined that only 371 acre-feet is presently available for the Development from the Arapahoe and Laramie-Fox Hills. Nevertheless, as additional water resources are identified and developed, the Development may divert the full amount of its Arapahoe and Laramie-Fox Hills groundwater so long as this diversion does not affect the Development's 300 year water supply requirement. 371 acre-feet is sufficient to supply approximately 1054 ERUs within the Development.²

II. Phase II (1120 ERUs) - Use of the Dawson and Denver Groundwater Underlying the Development

The Development has approximately 1183 acre-feet of not non-tributary water available underlying its property from the Dawson and Denver aquifers. This water can only be withdrawn by the Development because the Development is the overlying landowner. Nevertheless, for this water to be utilized within the Development, the Development must have an approved augmentation plan. Presently, an application is in final stages for filing with the Division 2 Water Court. The Development expects that this application will be filed in the next 30 days. The Development also expects approval of its application in early 2009, well before any required use within the Development. Moreover, as with its Arapahoe and Laramie-Fox Hills groundwater, the Development, for planning purposes, has determined that only 394 acre-feet would be available for use within the Development because of El Paso County's 300 year water supply requirement. However, as additional water resource are identified and developed, the Development may divert the full amount of its Dawson and Denver groundwater so long as this diversion does not affect the Development's 300 year water supply requirement. 394 acre-feet of water will supply approximately 1120 ERUs.

III. Phase III (1920 ERUs) - Use of the Arkansas River Water from the Stonewall Spring Quarry

The Development also owns approximately 675 acre-feet of fully consumable Arkansas River water associated with the Stonewall Spring Quarry.³ As with the aforementioned Phase II water, the Development is in the process of evaluating and preparing an application to the Division 2 Water Court for use of this water within the Development. The Development expects to have an application submitted to Division 2 Water Court within the next 24 months. Utilizing this water within the Development will provide the Development with enough water for approximately 1920 ERUs. Moreover, development of this water will reduce the Development's reliance on non-renewable Denver Basin groundwater. The Development expects to have this water available for use within the Development within the next five years.

² An ERU for the Development will require approximately 0.253 acre-feet/year for in house use and 0.10 acre-feet per year for 2000 square-feet of lawn and garden.

³ 675 acre-feet is the estimated amount of water that would be available after a change of water right application is approved. Nevertheless, the Development owns the water rights that would be subject to the change of water right application.

IV. Phase IV (1410 ERUs) – Reuse of the fully consumable Denver Basin Groundwater and Arkansas River Water

The Development also has or will have approximately 925 acre-feet of water available for use as replacement water within the Basin from its (i) non-tributary Arapahoe groundwater, (ii) non-tributary Laramie-Fox Hills groundwater, (iii) not non-tributary Dawson and Denver groundwater, and (iv) Arkansas River water from the Stonewall Springs Quarry. This replacement water is water reused after being initially used in 4095 homes identified above. This replacement water is calculated as approximately 90 percent of the water diverted to the homes for in house use. The Development is in the process of preparing and submitting applications to the Colorado Groundwater Commission or the Division 2 Water Court to authorize the construction of new wells for approximately 500 acre-feet of water for use within the Development ("Basin Water"). The remainder of the reused water (425 acre-feet) will be utilized in the augmentation plan for withdrawal of the Dawson and Denver groundwater, for replace of other depletions in the Arkansas drainage, recharge of the Basin, or to reduce the Development's reliance on non-renewable resources. The Development expects to be able to utilize this water in the next 10 years, when the Development is finalizing complete build out.

V. Phase V (if needed)– Purchase of Upper Black Squirrel Creek Groundwater Rights Already Authorized for Use Outside the Basin (Goss Water)

The Development has also contracted with the Goss' for 420 acre-feet of water from the Upper Black Squirrel Creek alluvium (the "Goss Water"). This water supply is designated groundwater and is authorized for export outside the Upper Black Squirrel Creek Designated Groundwater Basin (the "Basin"). This water supply is also renewable and therefore not subject to El Paso County's 300 year water supply requirement. While the Development is presently under contract with the Goss', there is no guarantee that the contract will be closed and therefore this water is presently not considered in the Development's water supply. Nevertheless, as is evident by the Development's actions in this regard, the Development is committed to obtaining as many water resources as possible to ensure that the Development has a sustainable supply. The Development will continue to investigate and develop water resources that it determines may be (i) less costly to implement; or (ii) are better suited for the overall development plan.

VI. Conclusion

As has been demonstrated above, the Development has identified and is in the process of finalizing an adequate water supply to support 5000 to 5500 ERUs. However, as with any development the water supply will be developed and put to use in stages as the Development proceeds through its build out. Moreover, the numbers utilized in this water supply plan are conservative estimates which need to be refined by a professional engineer or water professional through due diligence. Until the proper due diligence and field verification is completed, the amount of water identified in the decrees and permits is not final. Due diligence in the field will confirm the sustainable amount of water that can be withdrawn for the Development.

Nevertheless, utilization of all the aforementioned water resources should provide the Development with an adequate water supply.

WOODMEN HILLS
A RECREATIONAL LIFESTYLE COMMUNITY 

July 31, 2008

El Paso County Planning Division
27 East Vermijo
Colorado Springs, Colorado 80903

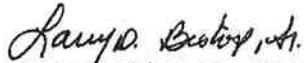
Re: Wastewater Service to Sterling Ranch

To Whom It May Concern:

Woodmen Hills Metropolitan District and Paint Brush Hills Metropolitan District, joint owners of the Paint Brush Hills Regional Wastewater Treatment Facility, intend to serve wastewater treatment to the development known as Sterling Ranch.

The Wastewater Treatment Facility report is attached.

Respectfully,



Larry D. Bishop, Sr., Manager
Woodmen Hills Metropolitan District



Ellen Robley, District Administrator
Paint Brush Hills Metropolitan District

August 7, 2008

PAINT BRUSH HILLS WASTEWATER TREATMENT FACILITY (WWTF) SUMMARY REPORT

Description and background of existing wastewater treatment facility, including capacity and current utilization.

The Paint Brush Hills Wastewater Treatment Facility (WWTF) currently has a permitted capacity of 1.3 mgd and 3,470 ppd BOD₅. The lagoon-system plant was designed and built by the Paint Brush Hills Metropolitan District (PBHMD) in the late 1980's, just outside its district boundaries, with an original discharge permit of 0.868 MGD. Since its inception, approximately 500 SFE taps of plant capacity were reserved for wastewater service to the underlying landowner, namely, Meridian Ranch which was eventually developed into Meridian Service Metropolitan District (MSMD). In the late 1980's a portion (50%) of the plant's original capacity was sold to Woodmen Hills Metropolitan District (WHMD), via an intergovernmental agreement. WHMD further expanded the plant's capacity to 1.3 MGD in 2000 and, although the discharge permit remains in PBHMD's name, WHMD has continually operated the facility since 1999.

Over the years, the plant has been upgraded with new pond liners, new blowers, a semi-automated head-works facility, and a small on-site lab. In August 2006 a new discharge permit was acquired under a conversion to the Colorado Discharge Permit for Domestic Facilities. This new discharge permit was issued containing rigorous monitoring requirements, effluent limitations (including stringent ammonia standards) and WET testing/reporting. However, at the request of PBHMD, the permit was recently amended by the State to defer application of ammonia limitations until further study of the receiving waters is completed and appropriate plant upgrades can be designed.

The WWTF currently serves four community systems including Paint Brush Hills Metropolitan District (approximately 685 SFEs), WHMD (approximately 2265 SFEs, including Falcon Highlands which serves approximately 150 SFEs), and MSMD (approximately 820 SFEs). Plant influent includes both domestic and commercial waste streams, however, no industrial flows are currently in existence.

Letter of commitment from the wastewater provider proposed for service, with identification of whether the sketch plan area is within the service boundaries of the proposed provider.

Attached and as provided by Paint Brush Hills Metropolitan District (PBHMD) and Woodmen Hills Metropolitan District (WHMD), joint owners of the Paint Brush Hills Wastewater Treatment Facility. (See attachment.)

Estimate of projected population, units, and density, as related to wastewater production on an average daily basis, including anticipated capacity of proposed expansions.

The following table shows forecasted WWTF capacity demands (as SFE taps) and total flows on an annual basis through the year 2030. The notes below the table are self-explanatory. In short, planning is in place and on-going to ensure adequate capacity at the WWTF for all entities served. Entities represented in the table are as follows:

- MSMD ≡ Meridin Service Metropolitan District
- WHMD+ ≡ Woodmen Hills Metropolitan District, including service to Falcon Highlands and others
- PBHMD ≡ Paint Brush Hills Metropolitan District
- Sterling ≡ Sterling Ranch

Paint Brush Hills WWTF Capacity Demand Forecasting

Year	Cumulative Units Generating Wastewater					
	MSMD	WHMD+	PBHMD	Sterling	Total Taps	Total Flows (mgd)
2008	850	2500	685	0	4035	0.807
2009	850	2500	725	0	4075	0.815
2010	850	2500	905	100	4355	0.871
2011	500	2500	1055	375	4430	0.886
2012	500	2500	1155	725	4880	0.976
2013	500	2500	1255	1075	5330	1.066
2014	500	2500	1305	1425	5730	1.146
2015	500	2500	1355	1775	6130	1.226
2016	500	2500	1405	2125	6530	1.306
2017	500	2500	1455	2475	6930	1.386
2018	500	2500	1505	2825	7330	1.466
2019	500	2500	1555	3175	7730	1.546
2020	500	2500	1608	3525	8133	1.627
2021	500	2500	1608	3875	8483	1.697
2022	500	2500	1608	4225	8833	1.767
2023	500	2500	1608	4575	9183	1.837
2024	500	2500	1608	4925	9533	1.907
2025	500	2500	1608	5275	9883	1.977
2026	500	2500	1608	5500	10108	2.022
2027	500	2500	1608	5500	10108	2.022
2028	500	2500	1608	5500	10108	2.022
2029	500	2500	1608	5500	10108	2.022
2030	500	2500	1608	5500	10108	2.022

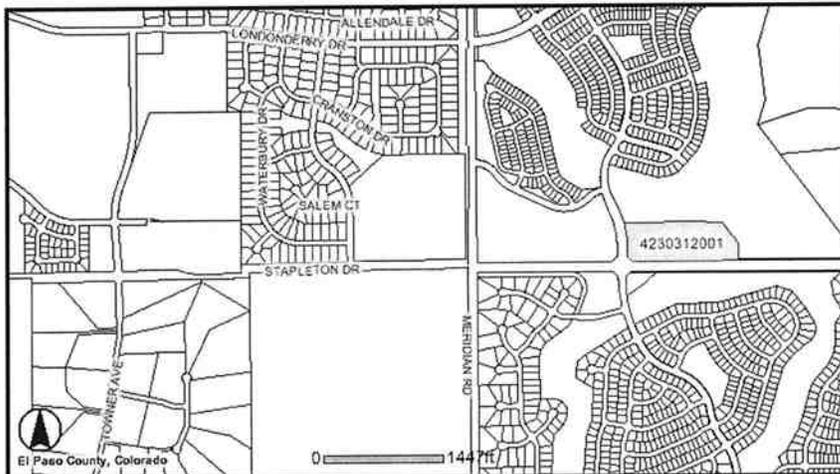
NOTES:

1. Assumes units/taps shown would generate wastewater by the end of a given year.
2. A "unit" is assumed as the same as a Single Family Equivalent (SFE).

3. Total flows represented as mgd = million gallons per day.
4. MSMD's numbers will drop to the base 500 units (as per the original land lease agreement) in 2011 upon completion of the new Cherokee/Meridian wastewater plant, where their untreated wastewater stream will be conveyed.
5. WHMD+ includes this district's auxiliary service agreements with other entities, including Falcon Highlands, as well as Falcon School District #49 and other commercial entities, including Mountain View Electric Association, etc.
6. Sterling Ranch growth expected to be 200 units in 2010, then 350 units/year subsequently for a total of 5500 SFEs.
7. Plant expansion required when 80% of current capacity is reached, or 1.04 mgd. Any necessary expansion is expected to coincide with an anticipated requirement from the State to upgrade the facility during the next discharge permit cycle which begins in 2011.

Map showing location of existing plant.

The Paint Brush Hills WWTF is located on the northeast corner of Stapleton Road and Meridian Ranch Boulevard, in the Meridian Ranch subdivision, as shown in blue (EPC Parcel #4230312001) on the map below.



(Sterling Ranch developer to provide attachment showing relative location of existing plant and proposed location for connection.)