

October 29, 2018

Kari Parsons  
El Paso County Planning and Community Development

Dear Ms. Parsons,

This letter responds to your MDT Letter dated 9/6/18. Our responses are provided in red below.

**EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Current Planning**

1. Type D Application-If you're amending the entire sketch plan, you need to add the owners of the sketch plan. If you amending portions of the sketch plan, please add the owners of those portions. Explain what you're doing in the description of application, so there is no confusion. As it reads you're amending the entire plan, and Challenger is the sole owner. The information on the application does not match the sketch plan drawing you submitted. Does the District own the utility areas to be amended?  
– All applicants were included in the initial application as separate pages a technical issue did not show all the pages and therefore, all the applicants. A revised application is submitted to include all applicants and to include a more thorough Project Description.
2. See uploaded redlines in EDARP.  
– Responses to redlines have been uploaded.
3. The sketch plan amendment has outdated notes and references on it. Please quality control check the document (and associated submittal documents) so that it is relevant to today's plans to include changes over the last decade. Please cloud the areas you're amending on the drawing. The plan and application will be reviewed upon submitted changes.  
– Notes have been updated and cloud lines have been added to identify amended areas.
4. Geology and soils report shall be required with subsequent preliminary plan reports that meets the Land Development Code (2018), as amended. A review by the CGS is required with subsequent preliminary plans. The 2006 report is not specific to a layout or preliminary plan.  
– Noted, Reports will be provided with subsequent plans.

#### **EL PASO COUNTY ATTORNEY'S OFFICE**

Our office is in receipt of documents for review regarding the above-noted matter. Please be advised that the County Attorney's Office will provide a written water review for the Sterling Ranch subdivision at the Preliminary Plan or Final Plat stage as necessary. Until then, the County Attorney's Office would recommend a finding of insufficiency as to water quantity and dependability. Thank you.

- Noted.

#### **EL PASO COUNTY ENVIRONMENTAL SERVICES**

The El Paso County Environmental Division has completed its review of the above referenced submittal. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

We have reviewed the submittal and have no comments at this time.

The applicant is hereby on notice that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable county, state, and federal laws and regulations, including, but not limited to, the Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, Colorado Noxious Weed Act and El Paso County Weed Management Plan.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7879.

- Noted, no comments.

#### **ELPASO COUNTY PARKS DEPARTMENT**

The Planning Division of the Community Services Department has reviewed the Sterling Ranch Sketch Plan Amendment, and has the following comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board September 12, 2018.

Request by N.E.S., Inc on behalf of Morley-Bentley Investments and SR Land, LLC, for approval of the Sterling Ranch Sketch Plan Amendment. The property is currently zoned CS, RR-5, and RS-5000 and is located along Vollmer Road, north of Woodmen Road and west of Meridian Road. The original Sketch Plan was approved in May 2009, and this amendment addresses a density modification of two residential areas. These modifications are consistent with the Sterling Ranch Preliminary Plan, Falcon/Peyton Small Area Plan, and the Black Forest Preservation Plan.

The 2013 El Paso County Parks Master Plan shows three proposed regional trail connections and one proposed bicycle route impacted by the project. The proposed Sand Creek Regional Trail alignment bisects the western portion of the property, running north/south along Sand Creek, while a western branch of the Sand Creek Trail, located along a proposed extension of Marksheffel Boulevard, will connect the primary alignment of the Sand Creek Trail to City of Colorado Springs trails located to the west of the project site. The proposed Arroyo Lane Primary Regional Trail traverses east/west along the northern property boundary and will provide connectivity to Meridian Ranch to the east. Furthermore, the proposed Vollmer Road Bicycle Route runs north/south adjacent to the western property boundary. A dedicated public right-of-way already exists along the aforementioned bicycle route, so no easement requests are necessary at that location; however, the applicant is advised that multi-modal transportation options will be developed within the rights-of-way in the future.

The Sterling Ranch Sketch Plan Amendment shows 148 acres of open space, dedicated to neighborhood or community parks, greenways, drainages, landscaping buffers, and trails. This constitutes approximately 10.2% of the total project area of 1,444 acres. In addition to the 57-acre open space along the Sand Creek corridor, numerous 4- and 5-acre neighborhood parks are shown in the Sketch Plan, as well as a 30-acre community park located alongside Sand Creek.

The El Paso County Planning Commission and Board of County Commissioner summaries for the approval of the Sterling Ranch Preliminary Plan, endorsed by the Park Advisory Board in April 2015, added requirements for the dedication to El Paso County of a 25-foot wide regional trail corridor along Sand Creek for the construction, maintenance, and public access of the Sand Creek Primary Regional Trail. This trail easement, Instrument #218054786, was dedicated to El Paso County in May 2018. This dedication, however, does not extend beyond the Preliminary Plan boundaries, so additional trail easement dedications will be required with forthcoming final plats.

Staff recommends that the developers designate and provide to El Paso County 25-foot trail easements along the remaining sections of Sand Creek, as well as along the southern side of Arroyo Lane for the purpose of construction and maintenance of the Sand Creek Regional Trail and the Arroyo Lane Regional Trail, respectively. Staff also encourages the developers to construct the aforementioned proposed neighborhood and community parks, so as to provide recreational opportunities for residents and visitors of Sterling Ranch. Furthermore, staff encourages the developers to construct internal trail systems that link residents not only to the proposed neighborhood and community parks, but also to the County's regional trail system.

**Recommended Motion (Sketch Plan Amendment):**

*Recommend to the Planning Commission and the Board of County Commissioners that the approval of Sterling Ranch Sketch Plan Amendment includes the following conditions: (1) designate and provide to El Paso County a 25-foot trail easement along the Sand Creek corridor, that allows for public access, as well as construction and maintenance by El Paso County of the Sand Creek Regional Trail, (2) designate and provide to El Paso County a 25-foot trail easement along south side of Arroyo Lane, that allows for public access, as well as construction and maintenance by El Paso County of the Arroyo Lane Regional Trail, (3) the easements shall be shown on all forthcoming preliminary plans and final plats, and the aforementioned easements shall be dedicated to El Paso County on the forthcoming final plat(s), (4) fees in lieu of land dedication for regional and urban park purposes will be calculated upon review of forthcoming preliminary plans and final plats, and will be required at time of the recording of the forthcoming final plats.*

- Recommendation noted, easements and fees in lieu will be shown/calculated on forthcoming plans.

**FALCON FIRE PROTECTION DISTRICT**

This project is not within the boundaries of the Falcon Fire Protection District. No comments were provided by Falcon Fire Department.

- Noted no comments from Falcon Fire Department. Note that based on communication with Black Forest Fire Protection District, the proposed Fire station is removed as BFFPD has determined it to be no longer necessary.

**WOODMEN HILLS METRO**

Woodmen Hills has no comment.

- Noted.

### **COLORADO STATE FOREST SERVICE**

The primary wildland fuel type for this proposal is grassland with scattered trees having a low wildfire hazard potential. No special fire mitigation plans or other actions are necessary for final approval by the Colorado State Forest Service.

- **Noted, no special fire mitigation plans or actions necessary.**

### **911 AUTHORITY –EL PASO /TELLER COUNTY**

No action required by E911 at this time. The attached plat drawings show no additional details for street naming other than: Briargate Parkway Marksheffel Road the above are expected to be extensions of existing roads and Sterling Ranch Road which is expected to be a major arterial through this sub-division.

- **Noted.**

### **COLORADO PARKS AND WILDLIFE**

Colorado Parks and Wildlife (CPW) has reviewed the plans for the Sterling Sterling Ranch Sketch Plan Amendment in El Paso County, Colorado at the Northeast corner of Vollmer and future Marksheffel Road. Colorado Parks and Wildlife (CPW) is in receipt of the above referenced permit application and is familiar with the site. Based both on the location and type of action that has been taken CPW anticipates that the impacts to the wildlife resource from this project would be negligible.

We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager, Aaron Berscheid, should you have any questions or require additional information at 719-439-9601 or via email at [aaron.berscheid@state.co.us](mailto:aaron.berscheid@state.co.us)

- **Noted, negligible impacts.**

### **NORTHERN EPC COALITION OF COMMUNITY ORGANIZATIONS, INC (NEPCO)**

NEPCO is providing the collective input from its membership that includes 8,600 homeowners, 42 HOAs and 19,600 registered voters within and around the Tri-Lakes area. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members, and families in northern El Paso County. We collectively address growth and land use issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

#### **NEPCO's comments related to Sterling Ranch Sketch Plan**

1. In general, there is not much for NEPCO to review if we are to just look at the amendment that swaps some densities. But the documents submitted to gain approval for the Sketch Plan Amendment do highlight several issues, especially regarding water.
  - **A letter will be submitted directly to NEPCO addressing comments and neighbor comments regarding the water supply an land use for Sterling Ranch.**

**The following is a reposting of NEPCO's comments related to water on the Sterling Ranch Filing 2, dated August 6, 2018. Although this covers a different parcel of land within the greater Sterling Ranch development, the issues remain the same, insufficient water for the planned development.**

“NEPCO will focus our comments on concerns about water consumption as this development, although employing urban densities, has chosen to rely on non-renewable water for its future homeowners.

1. Since these lots, and most of the other ones from the Sterling Ranch filings, were rezoned from RR-5 to RS-5000, the water use allowed by this unwise decision potentially allows about a 4300% increase in water use! ( $43,560 \text{ sq. ft/acre} \times 5 \text{ acres} = 217,800 \text{ sq. ft per lot}$ .  $217,800/5,000 = \text{potentially 43 homes per 1 old zoned lot.}$ )
2. The Sterling Ranch Filing No 2 homes (49 of them) plan to obtain their water from a “Sterling Ranch Metro District No. 2.” Sterling Ranch Metro District No 2 has an Inter-governmental Agreement (IGA) with Sterling Ranch Metro District No 1 which obtains its water from 2 deep wells recently drilled during Spring 2017 into the Arapahoe and Laramie Fox Hills aquifers. The Developers have appropriate water decrees (some old enough to be based upon the older 100-year standard), however urban densities on non-renewable water affects the entire northern portion of El Paso County.
3. The estimated water usage of Block 9 on the Water Supply Information Summary is incorrect. 8,428 gallons per day (GPD) does not equal 17.296-acre-feet per year (AFY). Given that the estimate of residential water usage is .353 AFY (from pg. 7 of Water Resources Report), the 17.296 figure is correct for 49 homes. The correct GPD should therefore be approximately 15,440.
  - a. Further, .353 acre-feet per year times 325,851 gallons per acre-foot = 115,025 gallon per year or 315 gallons per day which is insufficient for a family of four with any amount of landscaping.
4. The Water Commitment Letter from Sterling Ranch Metro District No 1 is also incorrect. It commits 43 homes worth of water ( $.353 \text{ AFY} \times 43 \text{ homes} = 15.179 \text{ AFY}$ ) to Sterling Ranch Metro District No 2 for this Filing. It should be 49 homes and 17.296 AFY.
  - a. If this water is not available from Sterling Ranch Metro District No 1, then one of the final plat approval criteria as set forth in Section 7.2.1.D.3.f of the LDC has not been met: “A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed.”
5. The Subdivision Improvement Agreement states in the section on “Responsibility to Construct”, that “Because Filing No 2 does not create any buildable lots, and no further subdivision of the Master Pad sites can occur until the relevant obligations set forth in this Agreement have been fulfilled, no collateral shall be required to secure performance of the Sub divider’s and District’s obligations herein.” NEPCO’s review concludes that the Final Plat filing DOES create buildable lots, so perhaps collateral requirements should be re-reviewed?
6. Finally, the Sterling Ranch land is still surrounded by many RR-5 and RR-2.5 zoned properties. This development appears to be another case of unreasonable growth that will hurt current and future residents’ (including nearby NEPCO residents) reliance on a stable/slowly growing/planned infrastructure for utilities, roads, water resources, and population increases. We are getting suburban-like sprawl miles away from population centers, then fill-in commercial zones to leap-frog to the next developer’s potential gold mine if he/she can just get the zoning changed! This is an example of poor land use planning!

## NEPCO's summary comments related to water supplies in northern El Paso County

1. Despite the availability of legal water decrees from the Sterling Ranch Metropolitan District, NEPCO wonders when this house of cards by water engineers will fall in.
  - b. NEPCO is concerned about the apparent inexhaustible supply of water that developments assume exist. Sterling Ranch Metropolitan District uses water from the same aquifers that Donala Metro, Woodmoor Metro, Triview Metro, Timber Ridge Metro, Cherokee Hills Metro, Woodman Hills Metro, Monument and Palmer Lake do daily. They all draw water from the Denver Basin aquifers. Along with several thousand individual homeowners in the area utilizing individual wells for homes and ranches.
  - a. NEPCO understands that there are several aquifers underneath the land and that municipal users draw from different aquifers than homeowners; however, it may be a distinction without a difference. The Executive Summary of the Pikes Peak Regional Water Authority **Area 3 Preliminary Engineering Report** states *"Area 3 is the northern project area, and its entities rely heavily on Denver Basin groundwater supplies. Due to declining well pressures, this study assumed that **by the year 2035, Denver Basin wells in the area will only be able to economically pump 35% of their current production. And by 2050, Denver Basin water will no longer be economically feasible to pump.**"* (page ES-1)
  - c. Further it states; "To supply the Area 3 participants with needed renewable water by the year 2050, the projected future demand of 8,592 acre-feet per year (AFY) minus the current renewable supplies of 209 AFY, equals a deficit of 8,383 AFY of water that needs to be acquired for Area 3." (page ES-1)
  - d. The Area 3 Report is referring to the same diminishing, non-renewable water sources the Developer is planning in this development proposal.
2. Under the El Paso County Policy Plan, 10.2.3 and 10.2.4, the goal is to maximize water supply options and economies through the pooling of resources and to encourage the linking of systems among water providers to provide the highest assurance of available service. Sterling Ranch has water rights under their property and has combined those with the water rights under the Retreat and will be forming the Sterling Ranch Metropolitan District. They have drilled their first well on Arroya Lane east of Vollmer into the Arapahoe and Laramie-Fox Hills aquifers, the two deepest aquifers. They don't have enough water rights under Sterling Ranch to serve the entire development, so they are probably going to get water from Cherokee Metro District whose pipeline from Flying Horse North passes right through the middle of Sterling Ranch. We believe Sterling Ranch will be looking for more water rights to purchase under larger ranches and properties in the Black Forest and on the eastern plains. The Sterling Ranch Metropolitan District will be the entity that includes the water under Sterling Ranch and the Retreat and will service both developments. They have water rights in all four aquifers, even the Dawson."
3. The only water decree NEPCO can find in the documents is a 1986 decree (which refers to 100-year water). Although the Water Resources Report quotes having water available for Sterling Ranch on a 300-year basis (page 1 Executive Summary), NEPCO cannot find a water decree which states that.

## Approval Status Questions

1. SR Sketch Plan Document 2008: This document includes the BoCC's approval of the Sketch Plan (Resolution No. 08-476). However, page 4, Conditions, paragraph 8, states, "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." It was signed on November 13, 2008.
  - a. We can find no Final Plat that was submitted, approved, and recorded on or before November 13, 2013. It may exist; recommend that the Planning Commission locate it.
    - i. If the Planning Commission does find something, please note that on page 4, Conditions, paragraph 13, it states that "The Master Development Drainage Plan (MDDP) shall be approved prior to approval of a Preliminary Plan or Final Plat." Since the MDDP was not even submitted until December 2017 (see MDDP for SR Filings No. 1 and 2) then a Final Plat could not have been approved in 2013!
  - b. If the Planning Commission or the Planning Staff does not find documents stating compliance with previous BoCC requirements the Developers cannot proceed with their current timeline. NEPCO requests that we be informed of this situation as it progresses.
2. Page 4, Conditions, paragraph 10: "Buffering of the residential uses from proposed commercial uses and roads in accordance with the Land Development Code using 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."
  - a. Was a noise study required and if so, where is it?

Thank you for the opportunity afforded NEPCO to engage in this process to work with the El Paso County to ensure we have planned, responsible growth.

## BLACK FOREST LAND USE COMMITTEE

The Black Forest Land Use Committee has no objections to this sketch plan amendment.

Comments received from any of the above non-responding agencies following the issuance of this letter will be available in EDARP.

- Noted, no objections.

## MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.

This area is within MVEA certificated service area. MVEA will serve this area according to our extension policy. Connection requirements may include provisions for necessary system improvements, and payment of all fees under MVEA line extension policy. Information concerning these requirements can be obtained by contacting the Engineering Department of MVEA. Any removal or relocation of facilities it will be at the expense of the applicant.

As discussed and mutually agreed upon by MVEA and the Sterling Ranch Development, the electrical requirements of the Sterling Ranch Development will require construction of a new transmission line and a substation. This transmission line will need to extend from off-site onto the Sterling Ranch Development. The substation itself will be built within the Sterling Ranch Development. MVEA has been

working with the Sterling Ranch Developers to site these facilities. In the interim MVEA's existing distribution facilities that would initially extend into the development are capable of serving 250 new homes or the equivalent electric load.

MVEA will continue to ask for utility easements on the new design of ten (10) foot front and rear lot line utility easement, five (5) foot side lot line utility easement along with a twenty (20) foot exterior easement on plat. Additional easements may be required once a review of civil drawings with grading and erosion plan is provided to MVEA.

If additional information is required, please contact our office at (719) 495-2283.

- In coordination with MVEA a substation location has been identified and added to the Sketch Plan. Utility easements will be identified on subsequent plans.

#### **PIKES PEAK REGIONAL BUILDING DEPARTMENT**

Enumerations has no comment at this time.

- Noted, no comments.

#### **COLORADO GEOLOGICAL SURVEY**

CGS reviewed the original sketch plan for this development in our review letter dated December 19, 2007. We found that the site did not contain geologic factors that would preclude the proposed subdivision but that there are geologic issues that may adversely affect development. These geologic issues have been adequately addressed for a sketch plan submittal and/or amendment by the Geologic Hazard Report conducted by Entech in October 31, 2006. CGS has no objection to the Sketch Plan Amendment. The identified geologic hazards within the site include at least: expansive soils, potentially unstable and unstable slopes, seasonal shallow groundwater, artificial fill, hydrocompaction, and loose soils. Prior to approval of a preliminary or final plat the geotechnical engineer should evaluate and comment on preliminary site grading and development plans. Entech indicates that site grading can mitigate some of the geologic hazards. Evaluation of the grading plan, after it is developed, should discuss if it mitigates unstable slopes, shallow groundwater or any other identified geologic hazard. The geotechnical engineer should also indicate where basement construction is not feasible due to shallow groundwater, where no-build lines will need to be drawn due to unstable slopes, and discuss implementation of any other mitigation measures required for the geologic hazards and constraints identified at the site.

- Noted, CGS has no objections and any constraints or hazards can be evaluated and avoided or mitigated through subsequent reports and plans.