

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Mark Waller, Chair**

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

**RE: Project File #: SF-19-004
 Project Name: Homestead at Sterling Ranch Filing No. 2
 Parcel No.: 52331-01-003**

OWNER:	REPRESENTATIVE:
SR Land, LLC 20 Boulder Crescent Street, Suite 102 Colorado Springs, CO 80903	M&S Civil 102 E. Pikes Peak Avenue Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	4/7/2020
Board of County Commissioners Hearing Date	4/28/2020

EXECUTIVE SUMMARY

A request by SR Land, LLC, for approval of a final plat for the Homestead at Sterling Ranch Filing No. 2 subdivision to create and authorize the development of 104 single-family lots, three (3) tracts to be utilized for open space, drainage, public utilities, and rights-of-way. The proposed 29.68-acre plat area is zoned RS-5000 (Residential Suburban) and is located south of the future extension of Briargate Parkway-Stapleton Road, east of Vollmer Road and is within Section 33, Township 12 South, Range 65 West of the 6th P.M. The parcel is located within the boundaries of the Falcon Peyton Small Area Plan (2008) and the Black Forest Preservation Plan (1987) planning areas.

The Homestead at Sterling Ranch Filing No. 2 final plat is consistent with the RS-5000 (Residential Suburban) zoning district and approved preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

A finding of water sufficiency for water quality, quantity and dependability is requested with this final plat application.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by SR Land, LLC, for approval of a final plat to create 104 single-family lots, three (3) tracts, and rights-of-way.

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

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the April 7, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 5 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: N/A

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North:	RR-5 (Residential Rural)	Vacant
South:	RS-5000 (Residential Suburban)	Vacant
East:	RR-5 (Residential Rural)	Vacant
West:	RS-5000 (Residential Suburban)	Single-family residential

E. BACKGROUND

The Sterling Ranch Sketch Plan (SKP-07-007), consisting of 1,443.70 acres, was heard and approved by the Board of County Commissioners on November 18, 2008. The Sketch Plan includes 5,225 residential units, 56 acres of commercial development, 57 acres of dedicated school sites, 210 acres of parks and open space, and a two (2) acre utility site. A five (5) year expiration date was imposed on the application, which was subsequently extended via approval by the Board of County Commissioners.

The service plan for the Sterling Ranch Metropolitan Districts Nos. 1, 2, and 3 was heard and approved by the Board of County Commissioners on June 24, 2010. The Sterling Ranch Metropolitan District No. 1 will provide water and wastewater services aided by Meridian Service Metropolitan District via an intergovernmental agreement. Installation of roads within the rights-of-way, public and private drainage, and amenities within the tracts are to be constructed by the Sterling Ranch Metropolitan District No. 2. Sterling Ranch Metropolitan District No. 1 will maintain the rights-of-way and public improvements after Sterling Ranch Metropolitan District 2 completes construction until preliminary acceptance of the Sterling Ranch Filing No. 1 improvements by the County. Sterling Ranch Metropolitan District No. 1 will also own and maintain the private drainage facilities and other amenities within the tracts. Sterling Ranch Metropolitan District No. 3 will collect ad valorem (property) tax revenue in the amount of 50 mills for future commercial development and pay Sterling Ranch Metropolitan District No. 1 to own and maintain the tracts and private improvements within the future commercial development area.

An extension of the date of expiration of sketch plan was approved by the Board of County Commissioners on November 25, 2014, with retention of the conditions of approval and notations except Condition of Approval No. 2, which required all land within the sketch plan to be rezoned to a PUD as stated in Resolution No. 08-476. Condition No. 2 reads as follows:

“Rezoning of the property is necessary to implement the sketch plan. Staff support for the sketch plan and the finding of master plan consistency herein assumes a proposed rezoning to PUD. To the extent applicant brings forward a rezoning and preliminary plan that contemplates a zoning classification other than PUD, Development Services will consider that a material modification of the sketch plan and may require applicant to proceed forward with an amended sketch plan, which amended sketch plan process may or may not proceed simultaneously with a proposed rezoning and preliminary plan.”

Staff agreed with the action to remove Condition No. 2 to allow rezoning of the property to conventional single-family and commercial zoning with the understanding that it could still function in a manner that would preserve the open space acreage and density originally approved in the Sketch Plan. Open space tracts are shown throughout the approved preliminary plan. In addition, there is a condition on the Sketch Plan requiring the inclusion of a buffer between development within the overall Sterling Ranch and the existing residential development to the south. The Sketch Plan also depicts a 50-foot buffer adjacent to the industrial property to the west.

Map amendments (rezonings) of the property from RR-5 (Residential Rural) to RS-5000 (Residential Suburban) and CS (Commercial Service) were approved by the Board of County Commissioners on March 24, 2015. A condition of approval requiring a transition buffer along the southern property line was placed on the RS-5000 zoning. The condition states:

“Open space buffers shall be no less than what is graphically depicted on the October 2008 Amended Sketch Plan Map in subsequent rezoning and subdivision submittals. On the southern border no residence may be constructed within 100 feet, and an average building setback of 150 feet shall be maintained from the adjacent property lines.”

A preliminary plan (SP-14-015) was approved by the Board of County Commissioners on May 26, 2015. The preliminary plan included six (6) commercial lots, 457 single-family lots, 35 tracts for open space, trail corridors, drainage, and public rights-of-way. Water sufficiency was not addressed with the preliminary plan, but instead was deferred to the final plat stage. A 50-foot buffer adjacent to the industrial zoned property to the west was depicted on the preliminary plan.

The Sterling Ranch Filing No. 1 (master) plat (SF-16-013) was approved by the Board of County Commissioners on June 27, 2017. The master plat included four (4) future single-family development tracts, one (1) future commercial development tract, and 24 tracts to be utilized for open space, trail corridors, drainage, and public rights-of-way. A 50-foot buffer was platted adjacent to the industrial zoned property to the west, which is anticipated to include an opaque fence, a trail, and landscaping. Landscaping is not required under the Code within the RS-5000 zoning district; however, the applicant agreed to provide a landscape plan with the Sterling Ranch Filing No. 1 master plat. Pursuant to the applicant proposing a plat which did not include lots, a finding of water sufficiency for water quality, quantity, and dependability was not made at the time of Sterling Ranch Filing No. 1 plat. A condition of approval requires subsequent plats within the Sterling Ranch Filing No. 1 plat to obtain a finding for water quality, quantity and dependability at the time of each plat approval.

Homestead at Sterling Ranch Filing No. 2 is a final plat of Sterling Ranch Filing No 1, Tract E (future single-family development tract). The subject residential plat is adjacent to the Sand Creek channel. The developer has begun the pre-development site grading and installation of wet utilities within the final plat area. The plat is in conformance with the approved sketch plan, zoning, preliminary plan, and master plat.

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

F. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The area within the proposed final plat is zoned RS-5000 (Residential Suburban). The density and dimensional standards of the RS-5000 zoning district, as established in Section 5.4.2, Table 5-4 of the Code, are listed below:

- Minimum lot size – 5,000 square feet
- Setbacks – 25 feet from front and rear lot lines; 5 feet from side lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 40 percent if two-story; 45 percent if single-story

3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made previously by the Board of County Commissioners with approval of the following: the Sterling Ranch Sketch Plan (SKP-07-007); the map amendment (rezone) (P-15-001) from RR-5 (Residential Rural) to RS-5000 (Residential Suburban); the map amendment (rezone) (CS-15-001) from RR-5 (Residential Rural) to CS

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

4. Small Area Plan Analysis

The Homestead at Sterling Ranch Filing No. 2 Final Plat is located within both the Black Forest Preservation Plan (1987) and the Falcon Peyton Small Area Master Plan (2008) planning areas. Findings of consistency with the Black Forest Preservation Plan and the Falcon Peyton Small Area Master Plan were made with the Sterling Ranch Sketch Plan (SKP-07-007); the map amendment (rezone) (P-15-001) from RR-5 (Residential Rural) to RS-5000 (Residential Suburban); the map amendment (rezone) (CS-15-001) from RR-5 (Residential Rural) to CS (Commercial Service); and with the Sterling Ranch Preliminary Plan (SP-14-15). The proposed final plat application is consistent with each of those prior approvals.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The adjacent Sand Creek channel and riparian corridor are proposed to be preserved via open space, drainage, and trail corridor tracts. The El Paso County Parks Master Plan (2014) identifies a Tier One trail within the adjacent Sand Creek channel and riparian corridor. Sterling Ranch Metropolitan District No. 1 will be constructing portions of the trail along the channel within Homestead Filing No. 2. The remainder of the trail constructed in connection with the Sand Creek channel improvement plans is anticipated to be submitted within a year. The easements for the trails along the channel were dedicated with the recordation of Sterling Ranch Filing No. 1.

The Master Plan for Mineral Extraction (1996) does not identify any valued deposits within the final plat area. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Water Master Plan (2019) encourages water efficiency, identifies the future water supply demands, and identifies that water suppliers should diversify their supply portfolios with additional renewable water sources. The relevant goals and policies of the Plan includes the following:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 3.6.2 – Water providers should work with neighboring entities to provide and plan for growth between their respective boundaries.

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

It is anticipated that the proposed development will be served by the Sterling Ranch Metropolitan District. The applicant's water resource report indicates the District has ample supply of groundwater to serve this development and future developments within the District. The District has recently received their new Technical, Managerial, and Financial (TMF) Capacity number and Public Water System Identification (PWSID) from the Colorado Department of Public Health Environment (CDPHE) completing the creation of the Sterling Ranch Metropolitan District.

The Sterling Ranch Metropolitan District has agreed to provide water service to anticipated nearby developments to include the Retreat at TimberRidge Filing No. 1. The agreement is anticipated to be memorialized via an intergovernmental agreement (IGA) with the Retreat at TimberRidge Metropolitan District which helps support consistency with Policy 3.6.2 of the El Paso County Water Master Plan (2019).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology and soils report, dated January 2009, was submitted by Entech Engineering, Inc., in support of the approved preliminary plan (SP-14-015) and this final plat application. The report provides a geologic hazard and constraint evaluation and preliminary geotechnical investigation of the plan area. The report identified the potentially shallow groundwater characteristics in the soil. The applicant has memorialized the need for the constraint mitigation via a note and graphic depiction on the plat. The report provides techniques to mitigate such hazards.

Colorado Geological Survey (CGS) staff and Planning and Community Development Department staff have worked with the applicant to identify the hazard areas on the plat and to define appropriate mitigation techniques that will need to be implemented in order to develop single-family lots. CGS has no objection to this plat as it pertains to the identified constraints as long as the mitigation techniques identified in the Entech Engineering report are implemented.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0533G, the property is located entirely outside of the current 100-year regulatory floodplain.

4. Drainage and Erosion

The site is located within the Sand Creek Drainage Basin. This basin has been studied and drainage and bridge fees apply. The drainage and bridge fees due upon plat recordation are \$258,392.36 and \$75,839.66, respectively. The site drains generally to the south and east. The Final Drainage Report provided with this application is in compliance with the Master Development/Final Drainage Report approved with the Sterling Ranch Filing No. 1 Final Plat and the Sterling Ranch Master Development Drainage Report (MDDP). Per those reports, the overall development will provide adequate water quality and detention facilities to maintain runoff at or below historic rates using full-spectrum detention.

Per the Sand Creek Drainage Basin Planning Study (DBPS), improvements to the Sand Creek channel, including grade control, bank stabilization, and detention are required with the overall Sterling Ranch development. Due to changes in criteria regarding hydrologic calculations and detention since approval of the Sand Creek DBPS, as well as developer-proposed diversions of offsite drainage through Sterling Ranch, the developer was required to provide an overall Master Development Drainage Plan (MDDP) addressing the channel and DBPS-recommended improvements to ensure that the improvements are still appropriate. Until complete channel improvements are constructed, an interim level of protection is being provided with development of the tracts within Sterling Ranch Filing No. 1, including Homestead at Sterling Ranch Filing No. 2, to stabilize the banks adjacent to the development at a minimum (reference Sterling Ranch Filing No. 1 Condition of Approval No.14).

The Engineering Criteria Manual (ECM) Section 3.3.1.J.8 requires that maximum storm sewer velocities be less than 18 feet per second. A deviation request for velocity higher than 18 feet per second in one drain system has been approved with this plat request, with the requirement that the pipe concrete strength be

increased to reduce potential erosion of the pipe material. Justification for the deviation is that an excessively (over 25 feet) deep pipe and manhole will be difficult to construct and maintain. A riprap plunge pool will be provided at the pipe outfall to dissipate the flow velocity prior to discharge into Sand Creek.

5. Transportation

The Homestead at Sterling Ranch Filing No. 2 development is located southeast of the Vollmer Road and Dines Boulevard intersection. The applicant is proposing internal local urban roads accessing Wheatland Drive and Dines Boulevard, which connect to Briargate Parkway and Vollmer Road. The developer is also responsible for constructing improvements to Vollmer Road with Sterling Ranch Filing No. 1 and Filing No. 2. These roads will be adequate to serve Homestead at Sterling Ranch Filing No.2 and will be subject to the County Road Impact Fee Program. The developer proposes to enter the development into Public Improvement District (PID) No. 2.

Conditions of approval on the Sterling Ranch Sketch Plan and Preliminary Plan address the overall responsibilities of the Sterling Ranch development regarding offsite transportation improvements.

The developer of Homestead at Sterling Ranch Filing No. 2 is proposing to construct approximately 4,800 linear feet of urban local roads within the subdivision, 1,200 linear feet of collector road (Wheatland Drive), and 750 feet of 2-lane arterial road (Briargate Parkway, future 4-lane arterial). These roads will be accepted for County maintenance once completed to County standards.

H. SERVICES

1. Water

The Sterling Ranch Metropolitan District provides water service and has committed to serve the property.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. It is anticipated that the County Attorney's Office will make recommend a finding of sufficiency with regard to water quantity and dependability. The finding was not available at the time of this staff report was crafted. The finding will be

provided at the Planning Commission hearing. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Colorado Springs Utilities (CSU) provides wastewater service to the adjacent developed subdivisions within the Sterling Ranch development. CSU has committed to serve the property until August 2020. If the applicant submits an annexation agreement to the City of Colorado Springs, CSU will continue to serve the subject development and adjacent subdivisions within Sterling Ranch. The applicant has received approval of a wastewater line and lift station from the Planning and Community Development Director, which are currently under construction and anticipated to be completed by July 1, 2020. The proposed subdivision improvement agreement secures construction of the wastewater line by requiring collateral. The agreement authorizes the County to call the collateral to allow Elite Properties of America, LLC, to complete the wastewater line if it is not completed by July 1, 2020. The subject wastewater line is anticipated to connect into the Meridian Ranch Metropolitan District's wastewater treatment system pursuant to an intergovernmental agreement between the Sterling Ranch Metropolitan District and the Meridian Ranch Metropolitan District. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The Black Forest Fire Protection District has committed to serve the proposed subdivision.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

5. Metropolitan Districts and Other Special Districts

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

The property is anticipated to be within Public Improvement District (PID) No. 2. Traffic impact fees associated with the PID shall be paid in accordance with Resolution 19-471.

6. Parks/Trails

Regional park (Area 2) fees in the amount of \$47,424 and Urban park fees (Area 3) in the amount of \$29,952 in lieu of land dedication shall be paid at the time of final plat recordation.

The applicants are proposing to provide pedestrian connections to the trail corridor along the Sand Creek channel which will connect to the anticipated trail system within the overall Sterling Ranch development as depicted on the approved Sterling Ranch Sketch Plan and the County's Regional trail system plan.

7. Schools

School fees in the amount of \$31,824 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Academy School District No. 20.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding issues with this request.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat,

a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$47,424 and urban parks (Area 3) in the amount of \$29,952.00 shall be paid at the time of plat recordation.
11. School fees in lieu of land dedication for Academy School District No. 20 in the amount of \$31,824 shall be paid at the time of plat recordation.

12. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.
13. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement.
14. Drainage and bridge fees for the Sand Creek basin, in the amounts of \$258,392.36 and \$75,839.66, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
15. The developer, property owner and/or Sterling Ranch Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
16. The construction drawings and the final drainage report (SF-19-004) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Homestead at Sterling Ranch Filing No. 2 final plat.
17. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

NOTATION

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on March 23, 2020, for the Board of County Commissioners hearing. Responses received will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter

County Attorney's Letter
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: SF-19-004

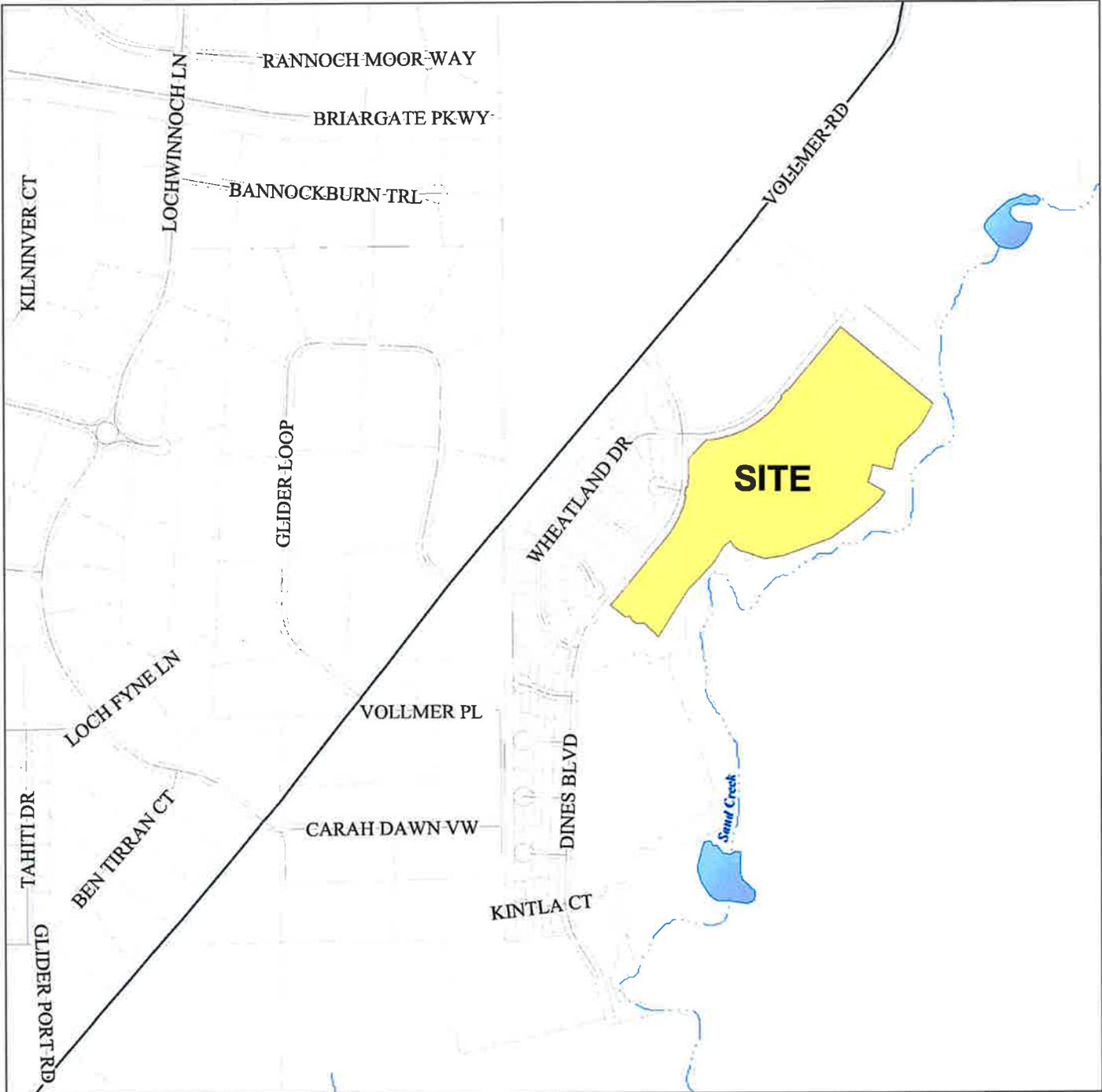
PARCEL	NAME
5233101003	SR LAND LLC

Zone Map No. --

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

ZIP	ZIPLUS
80903	3300

Date: March 17, 2020



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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HOMESTEAD AT STERLING RANCH FILING 2 – FINAL PLAT (SF-19-004)

LETTER OF INTENT

~~SEPTEMBER, 2019~~ - REVISED MARCH 2020

OWNER/APPLICANT:

SR Land, LLC
20 Boulder Crescent St. Suite 102
Colorado Springs, CO. 80903

CONSULTANT:

N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, CO. 80903

REQUEST

SR Land request approval of the following application:

1. A Final Plat for Homestead at Sterling Ranch Filing No. 2, a replat of Tract E, Sterling Ranch Filing No. 1 Final Plat, as recorded at Reception No. 218714151. (TSN # 5233101003), into 104 single family lots and 3 tracts.

LOCATION

Homestead at Sterling Ranch Filing 2 is a replat of a Master Pad Site, Tract E, as contemplated in Sterling Ranch Filing No. 1. It is located west of Sand Creek, south of Briargate, and east of Vollmer Road.



PROJECT DESCRIPTION

The Homestead at Sterling Ranch Filing No. 2 Final Plat will create 104 single family dwelling units. The Final Plat contains approximately 29.658 acres and is wholly within and consistent with the 182.26 acre Sterling Ranch Preliminary Plan approved May 26, 2015 by the Board of County Commissioners. The zoning classification is RS-5000 and all proposed lots are a minimum of 5,000 square feet and meet all zoning standards.

The property is located within the boundaries of Sterling Ranch Metropolitan District No. 2. Water, wastewater, storm water and park/recreational services will be provided by Sterling Ranch Metropolitan District No. 1 pursuant to an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2. The Final Plat contains lots (23.542 acres), streets (5.807 acres) and 3 tracts containing .309 acres for landscaping, public improvements, public utility and mail kiosk purposes. Tract B provides pedestrian access from the internal sidewalk network to the regional trail along Sand Creek. These tracts, as well as certain off-site open space, landscaping, and storm water tracts previously dedicated as part of Sterling Ranch Filing No. 1, will be owned and maintained by Sterling Ranch Metropolitan District No. 1. Separate early utility, grading, and erosion control plans have been submitted for Homestead Filing 2 and Branding Iron Filing 2 (EGP-193). More detailed grading and utility plans are submitted with this application. The revised grading plans have removed the grading from the floodplain. Therefore, removing the need for a no rise letter.

Drainage

The drainage improvements associated with the Final Plat are consistent with the Master Development Drainage Plan and Preliminary Drainage Report for Sterling Ranch Phase One. The drainage improvements have been designed based upon the most current El Paso County Engineering Criteria Manual, Sand Creek Drainage Basin Planning Study, City of Colorado Springs/El Paso County Drainage Criteria Manual, and the Urban Storm Drainage Criteria Manual. Details related to the design, construction and maintenance of the required drainage improvements are set forth in the proposed Subdivision Improvements Agreement for the Final Plat. In addition to the on-site drainage improvements, a detention pond and related improvements will be constructed on Tract F, Sterling Ranch Filing No. 1, to serve this particular replat as required in the Subdivision Improvements Agreement for Sterling Ranch Filing No. 1.

In order to assure completion of Sand Creek Channel regional drainage improvements (the "Channel Improvements"), such as drop structures, check structures and similar stabilization or protection improvements as well as a fair apportionment of the costs of said drainage improvements amongst adjacent Sterling Ranch subdividers, the District has previously agreed to establish a Sand Creek Channel Drainage Fee, to be paid into a District Escrow Fund by adjacent subdividers at the time of final platting, for such Channel Improvements. The amount of the fee is a minimum of One Thousand Dollars (\$1,000.00) per single family lot. The funds in the Escrow Account may only be disbursed for the design and construction of the Channel Improvements pursuant to the Sand Creek Drainage Basin Planning Study after the prior written approval of the El Paso County Engineer.

Sand Creek Bank Stabilization and Channel Improvements

Slope grading and intermittent channel bank lining has been proposed for portions of the developable areas adjacent to Sand Creek to protect the developed lots and prevent excessive erosion until the DBPS recommended Sand Creek Channel improvements are installed (the “Bank Stabilization Improvements”). The proposed Bank Stabilization Improvements are intended to reduce outer bank grades and bring uniformity to areas where significant rilling and destabilization has occurred. The proposed Bank Stabilization Improvements include placement of soil riprap and turf reinforcement matting along embankment toes and along embankment slopes, both of which will function to retain soils and vegetation during heavy rains or larger flood flow events. All disturbed areas, not hardscaped will be re-vegetated with native species grasses, per El Paso County erosion control standards. Storm sewer outfalls into Sand Creek shall be protected by low-tailwater riprap basins.

In addition to the Bank Stabilization Improvements, check structures and rip-rap channel lining will be installed within Sand Creek Channel to handle the runoff from fully developed Sterling Ranch and up-gradient watershed in accordance with the Sand Creek DBPS. A discussion regarding the timing of these Channel Improvements is provided in the Sterling Ranch Filing No. 1 Subdivision Improvement agreement (SF-16-013).

Financial Assurance shall be posted for the proposed Bank Stabilization Improvements prior to recordation of the final plat. The Sand Creek Channel Drainage Fee for each lot shall be paid into a District Escrow Fund at the time of closing for such lot.

Roads

In addition to the on-site road improvements, two lanes will be added to the existing two lane cross section of Vollmer Road adjacent to a portion of Sterling Ranch per the Sterling Ranch Filing 1 agreements no later than May 30, 2021. The project will be accessed via Dines Boulevard and Wheatland Drive. Dines Boulevard is planned to be constructed south from Vollmer Road to the future Sterling Ranch Road. A short, half section of Briargate Parkway is planned to be constructed between Vollmer Road and Wheatland Drive. Wheatland Drive is planned to be constructed south from Briargate Parkway to Dines Boulevard. The section of Sterling Ranch Road between Dines Boulevard and Marksheffel Road and the section of Marksheffel Road between Vollmer Road and Sterling Ranch Road are planned to be constructed with Sterling Ranch Filing 2, currently being processed through the County. An emergency access connection is provided through Lot 12 of the subdivision to provide a second point of access from the cul-de-sac to Dines Boulevard. An emergency access road is constructed southwest from the terminus of Dines Boulevard to Vollmer Road.

Wastewater

The District has an intergovernmental agreement with Meridian Service Metropolitan District for the provision of wastewater treatment services (the “Meridian System”). The District has also entered into an intergovernmental agreement with the City of Colorado Springs and Colorado Springs Utilities which provides for temporary wastewater treatment services while the District completes its connection to the

Meridian System. The agreement with the City provides for interim treatment services for a period of up to one year from the execution of the agreement, or August 12, 2020.

Subdivider shall provide construction drawings for the connection to the Meridian System, including the sewer line and lift station, that have been signed by the Meridian Service Metropolitan District, as well as Financial Assurance Estimates and collateral to assure the completion of such improvements (the "Meridian Line Collateral") to the County. It is agreed by the parties hereto that if the connection to the Meridian System is not substantially completed by June 30, 2020, or if the City of Colorado Springs has not by that date extended the interim wastewater agreement beyond the August 12, 2020, date, the County may draw on the Meridian Line Collateral to complete the District's wastewater connection to the Meridian System. It is understood by the parties hereto that, should it become necessary for the County to draw on the Meridian Line Collateral to complete the connection to the Meridian System, the County intends to authorize and designate Elite Properties of America, Inc. as the appropriate entity to complete said connection. A copy of an agreement between the Subdivider and Elite addressing this potential work has been provided to the County. Finally, it is agreed that, should it become necessary for the County to draw on the Meridian Line Collateral to complete the connection, the County may impose a moratorium on the issuance of additional building permits on lots located in all recorded final plats at Sterling Ranch until the District's wastewater connection is completed.

Other:

- It is understood and agreed that applicable traffic impact fees in accordance with the County Road Impact Fee Program Resolution (Resolution No. 18-471) will be paid at or prior to the time of building permit submittals. The applicant elects to include the property into the 10 mil El Paso County Public Improvement District No. 2. The recommended plat note will be added to the Final Plat and all sales documents.
- Pursuant to Section 8.4.4(D)(2) of the El Paso County Land Development Code, "The second access shall be either a public road or a road located within an easement specifically constructed for emergency access purposes.". Therefore, an easement has been created and dedicated to the Sterling Ranch Metropolitan District, and construction plans have been approved by EPC for the "Branding Iron at Sterling Ranch Emergency Access Road Plans". This emergency access road will also serve as a second point of access for Homestead Filing #2. In addition, an emergency access connection is provided through Lot 12 of the Homestead Fil. 2 subdivision to provide access to Dines. Per the approved Sketch Plan and Preliminary Plan for this subdivision, ultimately it is contemplated that the completed roads will be dedicated to El Paso County for acceptance and maintenance upon the approval of Sterling Ranch Filing No. 2, now under review by the County. At such time the Easement Agreement will terminate.
- Financial Assurances for the landscape improvements along the southern portion of Briargate Parkway and Wheatland Drive adjacent to the project are included in the Financial Assurances Estimate. A Parks Land Agreement for Urban Park Fee Credit of \$29,952 was approved by the Parks Advisory Board on January 8, 2020. Regional Park Fees of \$47,424 will be paid at time of plat recording.

Districts Serving the Property:

- Academy School District 20
- Mountain View Electric Association
- City of Colorado Springs Utilities Department - Gas
- Black Forest Fire Protection District
- Tracts containing open space, landscaping and trails will be maintained by Sterling Ranch Metropolitan District No. 1.
- Water, stormwater, parks, and recreation services to be provided by Sterling Ranch Metropolitan District No. 1
- Wastewater to be treated by CSU temporarily and ultimately by Meridian Service Metropolitan District

PROJECT JUSTIFICATION

Consistency with County Plans

The proposed plat is consistent with the goals and objectives set forth in the Black Forest Preservation Plan, the Falcon-Peyton Small Area Plan, the Sterling Ranch Sketch Plan, approved in November of 2008, and the Sterling Ranch Preliminary Plan, approved in 2015. A detailed analysis of the relationship between the Sterling Ranch development and the goals and objectives of the two applicable Small Area Plans was previously provided at the sketch plan, zoning and preliminary plan stages with findings of consistency having been made by the Planning Commission and Board of County Commissioners. These included the provision of adequate buffering and transition from low density residential development, the provision of adequate urban services by Sterling Ranch Metropolitan District, an interconnected system of trails, open spaces and neighborhood parks, and the preservation of natural areas.

Consistency with Plat Approval Criteria. The Final Plat is in substantial compliance with the approved preliminary plan and is consistent with the County's subdivision design standards and regulations. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and the proposed subdivision is compatible with such conditions. Existing conditions will impose only minor constraints on development. Avoidance, regrading, and proper engineering design and construction can mitigate any potential constraints. Adequate drainage improvements are proposed that comply with State Statute C.R.S. 30-28-133 (3)(c)(VIII) and the requirements of the Land Development Code and the Engineering Criteria Manual. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code. Necessary off-site improvements have been evaluated through the various reports submitted with the Final Plat, as well as the previously approved Preliminary Plan, and will mitigate the impacts of the subdivision in accordance with the applicable requirements of Chapter 8 of the Land Development Code. All public facilities and infrastructure reasonably related to the Final Plat have either been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated. The extraction of any known commercial mining deposit will not be impeded by this subdivision.

P:\Morley\Sterling Ranch Phase 1\Homestead Fil. No. 2\Letter of Intent Homestead Fil. 2.docx



COLORADO
Division of Water Resources
Department of Natural Resources

February 18, 2020

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

RE: Homestead at Sterling Ranch Filing No. 2
Final Plat
Sec. 33, Twp. 12S, Rng. 65W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24194

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal to approve a Final Plat for Homestead at Sterling Ranch Filing No. 2. This would approve the proposal to divide 29.658 +/- acres (Tract E, Sterling Ranch Filing No. 1) into 104 single family residential lots. The proposed source of water supply and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 1 pursuant to an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2.

This office previously provided written comments, dated March 27, 2019, regarding the proposed development during the preliminary planning stage. The current referral for a Final Plat does not change the water supply requirements for the subdivision; therefore, please refer to our previous comments attached to this letter.

Should you or the applicant have questions regarding any of the above, please feel free to contact me at this office.

Sincerely,

Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner





March 27, 2019

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

RE: Homestead at Sterling Ranch Filing No. 2
Final Plat
Sec. 33, Twp. 12S, Rng. 65W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24194

Dear Ms. Parsons,

We have received additional information concerning the above-referenced submittal to divide a 29.658 +/- acre tract of land (Tract E, Sterling Ranch Filing No. 1) into 104 single-family lots, which appears to be located within the Sterling Ranch Phase I Preliminary Plan for which this office most recently provided comments dated March 19, 2015. The 104 single-family lots are a portion of the 457 residential lots and 6 commercial lots in the Sterling Ranch Phase I Preliminary Plan. The proposed source of water supply is to be served by the Sterling Ranch Metropolitan District No. 2 and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 2.

Water Supply Demand

According to the Water Supply Information Summary received by this office, the estimated water demand for the development is 36.71 acre-feet/year for 104 residential lots (0.353 acre-feet/year per residential lot), which is a portion of the total estimated water demand of 201.11 acre-feet/year for Sterling Ranch Phase I Preliminary Plan.

Source of Water Supply

The proposed water supplier is Sterling Ranch Metropolitan District No. 2 ("District") and a February 20, 2019 letter of commitment from the District was included with the submittal. According to the submittal, the District will provide water from Arapahoe and Laramie-Fox Hills aquifer well(s) to a central system utilizing the water rights shown in Table 1, below.



Table 1 - Denver Basin Ground Water Rights

Aquifer	Decree	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Laramie-Fox Hills	86CW19	NT	53,900	539	179.67
Laramie-Fox Hills	08CW113	NT	40	0.4	0.13
Arapahoe	86CW18	NT	57,500	575	191.67
Total			111,440	1,114.4	371.47

According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“-Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Additional Comments

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

State Engineer’s Office Opinion

Pursuant to the provision of C.R.S. 30-28-136(1)(h)(II), it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the applicant have questions regarding any of the above, please contact Kate Fuller of this office.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

ec: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman
Mary M. Ritchie

April 2, 2020

SF-19-4 Homestead at Sterling Ranch Filing No. 2
Final Plat

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by SR Land, LLC (“Applicant”), for a final plat to subdivide approximately 29.66 +/- acres into 104 single-family residential lots. Applicant’s property is zoned RS-5000 (Residential Suburban). This filing is a replat of Tract E, Sterling Ranch Filing No. 1, which was recorded in the records of the El Paso County Clerk and Recorder at Reception No. 218714151.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 (hereinafter “District”) through an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2. The Applicant estimates its annual water requirements to serve 104 single family lots at 36.71 acre-feet annually (0.353 acre-feet per lot). The Applicant will need to provide a supply of 11,013 acre-feet of water (36.71 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

3. The Water Resources and Wastewater Report for the Sterling Ranch Service Area dated February 2019 details the source of the water supply for the District. The District’s water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the total water allocation available is 1,114.4 acre-feet per year based on withdrawal for 100 years or 371.47 acre-feet per year based on El Paso County’s 300-year rule.

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

4. In a letter dated February 20, 2019, James Morley, District Board President, states that the District commits to providing water service to the subdivision and specifically commits to “water and sewer to the above-named subdivision which includes approximately 104 single family lots or 36.71 AC-FT/year. The annual water committed is 36.71 acre-feet/year.”

5. In a letter dated March 27, 2019, the State Engineer’s Office reviewed the submittal to subdivide the 29.658 +/- acres of land into 104 residential lots. Pursuant to the Water Supply Information Summary, the State Engineer’s Office reviewed the submittal based on water requirements of 0.353 acre-feet/year for a total estimated water demand of 36.71 acre-feet per year for the subdivision. The State Engineer reviewed the available water supply of the District and noted an “annual amount of withdrawal of 1,114.4 acre-feet year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I.” Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply “can be provided without injury to existing water rights.”

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by El Paso County Public Health (EPCPH). In a memo dated May 21, 2019, EPCPH stated that a “finding of sufficiency in terms of water quality...is made.”

7. Analysis: Based on the information provided in the Water Supply Information Summary, the Water Resources Report dated February 2019, and the District’s commitment to serve the Homestead at Sterling Ranch subdivision in the amount of 36.71 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

On March 3, 2020, the Colorado Department of Public Health and Environment issued its approval of the District’s Assessment of Technical, Managerial and Financial Capacity. On April 1, 2020, the County received a professional engineer’s certification that the District’s drinking water system has been constructed consistent with CDPHE-approved design documents.

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment to serve, and pursuant to the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Project Manager/Planner III



Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Prevent • Promote • Protect

Homestead at Sterling Ranch, Filing No. 2, SF-19-004

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The proposed 104-residential lot, 29.6-acre, development will be provided water through Sterling Ranch Metropolitan District No.1, and wastewater treatment service will be provided by Meridian Service Metropolitan District through an inter-governmental agreement with Sterling Ranch Metropolitan District No.1. The District has also entered into an intergovernmental agreement with the City of Colorado Springs and Colorado Springs Utilities which provides for temporary wastewater treatment services while the District completes its connection to the Meridian system. The agreement with the City provides for interim treatment services for a period of up to one year from the execution of the agreement, or August 12, 2020.
- Letters of Commitment to Serve Water and Wastewater from Sterling Ranch Metropolitan District No. 1, dated 20Feb2019, were included with the submittal.
- A finding for sufficiency in terms of water quality for this Colorado Department of Public Health and Environment, Water Quality Control Division, approved water system is made. The Colorado Department of Public Health and Environment has assigned PWSID # CO0121724 to the district.
- The Water Resources and Wastewater Report for Sterling Ranch Service Area, by JDS-Hydro, Consultants, Inc., dated February 2019, was reviewed and supports the determination of Sterling Ranch Metropolitan District No.1 for water and wastewater services.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information. Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that

Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.

- El Paso County Public Health encourages planned walk-ability of residential communities. Please consider appropriate connections to commercial areas through the use of sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.
- The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.
- El Paso County Public Health encourages planned walk-ability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas. Walk-ability features promote exercise, help reduce obesity and lower the risk of heart disease.

Mike McCarthy
El Paso County Public Health
Environmental Health Division
719.575.8602
mikemccarthy@elpasoco.com
18Mar2020

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF- 19-004

Homestead at Sterling Ranch Filing No. 2

WHEREAS, SR Land, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Homestead at Sterling Ranch Filing No. 2 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 7, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Trails at Aspen Ridge Filing No. 1 Subdivision with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$47,424 and urban parks (Area 3) in the amount of \$29,952.00 shall be paid at the time of plat recordation.
11. School fees in lieu of land dedication for Academy School District No. 20 in the amount of \$31,824 shall be paid at the time of plat recordation.
12. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.
13. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement.
14. Drainage and bridge fees for the Sand Creek basin, in the amounts of \$258,392.36 and \$75,839.66, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
15. The developer, property owner and/or Sterling Ranch Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
16. The construction drawings and the final drainage report (SF-19-004) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Homestead at Sterling Ranch Filing No. 2 final plat.
17. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

NOTATION

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

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Fuller seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risely	aye
Commissioner Bailey	aye
Commissioner Brittain Jack	aye
Commissioner Fuller	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: April 7, 2020

Brian Risley, Chair

EXHIBIT A

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

SAID TRACT BEING A PORTION OF THE E $\frac{1}{2}$ NW $\frac{1}{4}$ AND THE W $\frac{1}{2}$ NE $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

CONTAINING A CALCULATED AREA OF 1,291,899 SQUARE FEET (29.658 ACRES) MORE OR LESS.

RESOLUTION NO. 20-

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

APPROVE FINAL PLAT FOR HOMESTEAD AT STERLING RANCH FILING NO. 2 (SF-19-004)

WHEREAS, SR LAND, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Homestead at Sterling Ranch Filing No. 2 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 7, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on April 28, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or

are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Trails at Aspen Ridge Filing No. 1 Subdivision;

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.

5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$47,424 and urban parks (Area 3) in the amount of \$29,952.00 shall be paid at the time of plat recordation.
11. School fees in lieu of land dedication for Academy School District No. 20 in the amount of \$31,824 shall be paid at the time of plat recordation.
12. This final plat shall comply with the provisions of the subdivision improvement agreement (SIA) approved in conjunction with Sterling Ranch Filing No. 1 final plat (SF-16-13) as recorded at Reception No. 218061175.

13. Construction of Wheatland Drive and two lanes of Briargate Parkway, as shown in the approved construction drawings provided with Sterling Ranch Filing No. 1, shall be completed within six months of this plat recording as provided for in the Subdivision Improvements Agreement.
14. Drainage and bridge fees for the Sand Creek basin, in the amounts of \$258,392.36 and \$75,839.66, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
15. The developer, property owner and/or Sterling Ranch Metropolitan District shall be responsible for maintenance of Sand Creek adjacent to the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County.
16. The construction drawings and the final drainage report (SF-19-004) shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Homestead at Sterling Ranch Filing No. 2 final plat.
17. The maintenance access trail required on the west side of Sand Creek shall be designed and constructed to meet County criteria with the Sand Creek channel improvements required in accordance with the Sterling Ranch Filing No. 1 Subdivision Improvements Agreement.

NOTATION

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

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

DONE THIS 28th day of April, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

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