

SPECIAL DISTRICT SERVICE PLAN (Recommend Approval)

CARLSON

moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID-23-001

STERLING RANCH METROPOLITAN DISTRICT NOS. 4 AND 5

WHEREAS, Classic SRJ, LLC, did file an application with the Planning and Community Development Department of El Paso County, pursuant to § 32-1-204 (2), Colorado Revised Statutes (C.R.S.), for the review of a draft service plan for Meadow Lake Metropolitan District Nos. 1-3 for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference; and

WHEREAS, a public hearing was held by this Commission on April 20, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the proposed service plan for Sterling Ranch Metropolitan District Nos. 4 and 5, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, and comments from all interested persons, and comments by the El Paso County Planning Commission during the hearing, this Commission finds as follows:

1. That the application for the draft service plan for the Special District was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. That all exhibits were received into evidence.
5. That there is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.

6. That existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. That the proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
8. That the area to be included in the proposed Special District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
9. That adequate service is not, or will not be, available to the area through the County, other existing municipal or quasi-municipal corporations, including existing Special Districts, within a reasonable time and on a comparable basis.
10. That the facility and service standards of the proposed Special District are compatible with the facility and service standards of each County within which the proposed Special District is to be located and each municipality which is an interested party as defined in C.R.S. § 32-1-204 and the El Paso County Land Development Code.
11. That the proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. § 30-28-106.
12. That the proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
13. That the creation of the proposed Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends the service plan for Sterling Ranch Metropolitan District Nos. 4 and 5 be approved for the following, subject to the following:

#### CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined residential mill levy shall not exceed 65 mills for any property within the Sterling Ranch Metropolitan District Nos. 4 and 5, with no more than 50 mills devoted to residential debt service, no more than 15 mills devoted to operations and maintenance, unless the Districts receive Board of County Commissioner approval to increase the maximum mill levy.
2. As stated in the attached service plan, the maximum authorized debt for the Sterling Ranch Metropolitan District Nos. 4 and 5 shall be limited to \$150 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.

3. Approval of the service plan for the Sterling Ranch Metropolitan District Nos. 4 and 5 includes the ability of the Districts to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the Districts or another public or non-profit entity and is for the material use or benefit of the general public. The Districts may not use the power of eminent domain without prior approval by the Board of County Commissioners at a publicly noticed hearing after a showing that the use of eminent domain is necessary in order for the Districts to continue to provide service(s) within the Districts' boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. The Sterling Ranch Metropolitan District Nos. 4 and 5 shall provide a disclosure form to future purchasers of property in a manner consistent with the approved Special District Annual Report form. The developer(s) shall provide written notation on each subsequent final plat associated with the development of the annually filed public notice. County staff is authorized to administratively approve updates to the disclosure form to reflect current contact information and calculations.
5. The Sterling Ranch Metropolitan District Nos. 4 and 5 are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(l).
6. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvement agreements or development agreements and collateral of the developer to guarantee the construction of improvements.
7. Any future proposed development of the subject parcels will require approval of a map amendment (rezone), preliminary plan, and final plat(s), and such final plat(s) must be recorded prior to undertaking land disturbing activities, excluding pre-subdivision site grading without installation of wet utilities as a separate, stand-alone request.
8. A material change to the land use assumptions identified in the service plan, and associated attachments, or any future material modification to the service plan shall require an amendment(s) to the service plan.

#### NOTATIONS

1. Approval of this service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the District.
2. Any expansions, extensions, or construction of new facilities by the Sterling Ranch Metropolitan District Nos. 4 and 5 will require prior review by the Planning and Community

Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations").

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

Jack seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye	no	abstain	absent
Thomas Bailey	aye	no	abstain	absent
Sarah Brittain Jack	aye	no	abstain	absent
Jay Carlson	aye	no	abstain	absent
Becky Fuller	aye	no	abstain	absent
Brandy Merriam	aye	no	abstain	absent
Eric Moraes	aye	no	abstain	absent
Kara Offner	aye	no	abstain	absent
Joshua Patterson	aye	no	abstain	absent
Bryce Schuettepelz	aye	no	abstain	absent
Tim Trowbridge	aye	no	abstain	absent
Christopher Whitney	aye	no	abstain	absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20<sup>th</sup> day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley  
BRIAN RISLEY, Chair

DATED: April 20, 2023

## EXHIBIT A

LEGAL DESCRIPTION: STERLING RANCH METROPOLITAN DISTRICT NO. 4

A PARCEL OF LAND BEING A PORTION OF SECTIONS 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY THE SOUTHWEST CORNER OF SAID SECTION 34, BY A 3-1/2" ILLEGIBLE CAP AND AT THE EAST END BY THE SOUTH QUARTER CORNER OF SAID SECTION 34 BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "UP&E 11624," IS ASSUMED TO BEAR S89°14'14"W, A DISTANCE OF 2722.56 FEET.

COMMENCING AT THE SOUTHEAST QUARTER CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO SAID POINT BEING ALSO THE SOUTHWEST QUARTER CORNER OF SECTION 34;

THENCE N89°14'14"E, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1728.42 FEET TO THE POINT OF BEGINNING;

THENCE N14°51'18"W, A DISTANCE OF 297.08 FEET;

THENCE N45°45'46"W, A DISTANCE OF 210.00 FEET;

THENCE N44°14'14"E, A DISTANCE OF 120.00 FEET;

THENCE S45°45'46"E, A DISTANCE OF 66.83 FEET;

THENCE N89°14'14"E, A DISTANCE OF 117.61 FEET;

THENCE N44°14'14"E, A DISTANCE OF 206.83 FEET;

THENCE N45°45'46"W, A DISTANCE OF 55.00 FEET;

THENCE N44°14'14"E, A DISTANCE OF 590.27 FEET;

THENCE N45°48'57"W, A DISTANCE OF 290.36 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°30'41", A RADIUS OF 1160.00 FEET AND A DISTANCE OF 435.52 FEET TO A POINT ON CURVE;

THENCE N20°55'00"E, A DISTANCE OF 37.01 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 53°02'14", A RADIUS OF 275.00 FEET AND A DISTANCE OF 254.56 FEET TO A POINT OF TANGENT;

THENCE N32°06'52"W, A DISTANCE OF 51.48 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 45°35'21", A RADIUS OF 225.00 FEET AND A DISTANCE OF 179.03 FEET TO A POINT OF TANGENT;

THENCE N13°28'29"E, A DISTANCE OF 146.70 FEET;

THENCE S76°31'31"E, A DISTANCE OF 4.99 FEET;

THENCE N13°28'29"E, A DISTANCE OF 690.84 FEET;

THENCE N76°31'31"W, A DISTANCE OF 29.99 FEET;

THENCE N13°28'29"E, A DISTANCE OF 310.02 FEET;

THENCE N76°31'31"W, A DISTANCE OF 36.22 FEET;

THENCE N13°28'29"E, A DISTANCE OF 129.98 FEET;

THENCE N76°31'31"W, A DISTANCE OF 289.28 FEET;

THENCE N13°28'29"E, A DISTANCE OF 50.00 FEET;

THENCE N76°31'31"W, A DISTANCE OF 105.80 FEET;

THENCE N13°28'29"E, A DISTANCE OF 514.46 FEET;

THENCE N76°31'31"W, A DISTANCE OF 188.91 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N19°23'57"W, HAVING A DELTA OF 21°28'50", A RADIUS OF 774.94 FEET AND A DISTANCE OF 290.53 FEET TO A POINT OF TANGENT;  
THENCE N49°07'13"E, A DISTANCE OF 50.22 FEET;  
THENCE N46°16'29"W, A DISTANCE OF 139.81 FEET TO A POINT OF CURVE  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 18°27'18", A RADIUS OF 825.00 FEET AND A DISTANCE OF 265.73 FEET TO A POINT ON CURVE;  
THENCE S60°26'38"W, A DISTANCE OF 73.29 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 43°01'51", A RADIUS OF 475.00 FEET AND A DISTANCE OF 356.74 FEET TO A POINT OF TANGENT;  
THENCE N 76°31'31"W, A DISTANCE OF 421.45 FEET;  
THENCE N13°28'29"E, A DISTANCE OF 137.34 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 63°41'16", A RADIUS OF 770.00 FEET AND A DISTANCE OF 855.90 FEET TO A POINT OF TANGENT;  
THENCE N77°09'45"E, A DISTANCE OF 243.22 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 33°35'05", A RADIUS OF 1230.00 FEET AND A DISTANCE OF 720.97 FEET TO A POINT ON CURVE;  
THENCE N90°00'00"E, A DISTANCE OF 1367.45 FEET TO THE WEST ONE-HALF OF THE WESTONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 27;  
THENCE S01°01'59"E, ON THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 27 BEING ALSO ON THE WESTERLY BOUNDARY OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1 RECORDED IN PLAT BOOK J-3 AT PAGE 83,  
A DISTANCE OF 160.75 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 27 BEING ALSO THE SOUTHWESTERLY CORNER OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1;  
THENCE N87°09'09"E, ON THE NORTH LINE OF THE WEST HALF OF THE EAST HALF OF SECTION 34, BEING ALSO ON THE SOUTHERLY BOUNDARY OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1, A DISTANCE OF 574.82 FEET;  
THENCE S00°13'01"E, A DISTANCE OF 2589.42 FEET;  
THENCE S89°59'36"W, A DISTANCE OF 576.78 FEET TO A POINT OF CURVE;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 13°28'56", A RADIUS OF 930.00 FEET AND A DISTANCE OF 218.84 FEET TO A POINT OF TANGENT;  
THENCE N76°31'28"W, A DISTANCE OF 249.99 FEET;  
THENCE S13°28'29"W, A DISTANCE OF 1035.83 FEET;  
THENCE S82°20'46"E, A DISTANCE OF 1293.75 FEET;  
THENCE S00°13'01"E, A DISTANCE OF 1721.97 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;  
THENCE ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 THE FOLLOWING TWO (2) COURSES:  
1. S89°14'26"W, A DISTANCE OF 1349.45 FEET;  
2. S89°14'14"W, A DISTANCE OF 994.14 FEET TO THE POINT OF BEGINNING.

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CONTAINING A CALCULATED AREA OF 280.920 ACRES.

LEGAL DESCRIPTION: STERLING RANCH METROPOLITAN DISTRICT NO. 5

A PARCEL OF LAND BEING A PORTION OF SECTIONS 27, 28, 33, AND 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY THE SOUTHWEST CORNER OF SAID SECTION 34, BY A 3-1/2" ILLEGIBLE CAP AND AT THE EAST END BY THE SOUTH QUARTER CORNER OF SAID SECTION 34 BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "UP&E 11624," IS ASSUMED TO BEAR S89°14'14"W, A DISTANCE OF 2722.56 FEET.

COMMENCING AT THE SOUTHEAST QUARTER CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO SAID POINT BEING ALSO THE SOUTHWEST QUARTER CORNER OF SECTION 34;

THENCE N08°10'08"E, A DISTANCE OF 4544.52 FEET TO THE POINT OF BEGINNING;

THENCE N76°31'31"W, A DISTANCE OF 326.10 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 26°05'19", A RADIUS OF 175.00 FEET AND A DISTANCE OF 79.68 FEET TO A POINT OF TANGENT;

THENCE N50°26'12"W, A DISTANCE OF 787.62 FEET;

THENCE N49°14'55"W, A DISTANCE OF 31.68 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N48°27'57"E, HAVING A DELTA OF 40°41'29", A RADIUS OF 234.02 FEET AND A DISTANCE OF 166.20 FEET TO A POINT ON CURVE;

THENCE N22°10'37"W, A DISTANCE OF 343.49 FEET;

THENCE N71°17'55"E, A DISTANCE OF 226.32 FEET;

THENCE N39°16'45"E, A DISTANCE OF 571.88 FEET;

THENCE N12°34'00"E, A DISTANCE OF 477.90 FEET TO THE SOUTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653;

THENCE N87°35'00"E, ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1, A DISTANCE OF 693.40 FEET;

THENCE CONTINUING N87°35'00"E, A DISTANCE OF 639.38 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE N00°54'30"W, ON THE WEST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 27, A DISTANCE OF 3925.63 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 27;

THENCE N88°38'53"E, ON THE NORTH LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 27 A DISTANCE OF 1330.89 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 27;

THENCE N89°05'33"E, ON THE NORTH LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 27 A DISTANCE OF 665.29 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 27 SAID POINT ALSO BEING ON THE WESTERLY BOUNDARY OF INDIAN WELLS SUBDIVISION FILING NO. 1 RECORDED IN PLAT BOOK J-3 AT PAGE 83;

THENCE S01°01'59"E, ON THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 27 BEING ALSO ON THE WESTERLY BOUNDARY OF SAID INDIAN WELLS SUBDIVISION FILING NO. 1, A DISTANCE OF 5014.09 FEET;

THENCE N90°00'00"W, A DISTANCE OF 1367.45 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N46°25'18"W, HAVING A DELTA OF 33°35'03", A RADIUS OF 1230.00 FEET AND A DISTANCE OF 720.97 FEET TO A POINT OF TANGENT;

THENCE S77°09'45"W, A DISTANCE OF 243.22 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 63°41'16", A RADIUS OF 770.00 FEET AND A DISTANCE OF 855.90 FEET TO A POINT OF TANGENT;

THENCE S13°28'29"W, A DISTANCE OF 121.71 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 299.679 ACRES.

