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El Paso County, CO

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RESOLUTION NO. 23-174

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

APPROVAL OF A PRELIMINARY PLAN FOR
STERLING RANCH EAST PRELIMINARY PLAN (SP-22-004)

WHEREAS, Classic SRJ Land, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Sterling Ranch East Preliminary Plan 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 20, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 16, 2023; 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That 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. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. That the proposed subdivision is in conformance with the subdivision design standards and approved sketch plan.

7. That 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. Sufficiency: That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. That 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 the Land Development Code.
10. That all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. That the location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
13. That legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
14. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

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15. That necessary services, including police and fire protection, recreation, utilities, open space, and transportation system are or will be available to serve the proposed subdivision.
16. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
17. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
18. That 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 preliminary plan application for the Sterling Ranch East Preliminary Plan Subdivision;

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

CONDITIONS

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
2. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, 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.
3. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated March 3, 2023 as provided by the County Attorney's Office.
4. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 5 of the Sterling Ranch East Rezoning & Preliminary Plan Traffic Impact Study, as amended and pending approval,

to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the Sterling Ranch East Phase 1 Preliminary Plan area.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the preliminary plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
4. Modifications to the preliminary plan as a result of the final technical design of adjacent roadways, and the Sand Creek Channel shall not require a preliminary plan amendment.

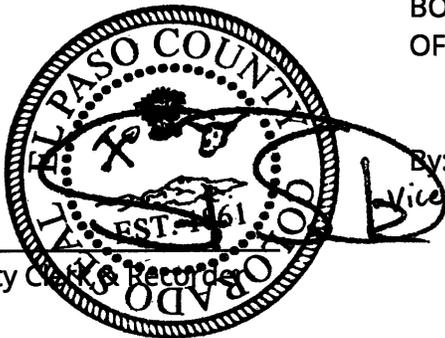
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 16th day of May 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder



By: Craig M. [Signature]
Vice Chair

EXHIBIT A

LEGAL DESCRIPTION: STERLING RANCH EAST PHASE I PRELIMINARY PLAN

THREE (3) PARCELS OF LAND BEING A PORTION OF SECTIONS 27, 28, 33 AND 34, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

PARCEL 1

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

THENCE S12°01'42"W, A DISTANCE OF 7255.05 FEET TO THE POINT OF BEGINNING;

THENCE N76°19'20"E, A DISTANCE OF 1787.08 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 23°26'55", A RADIUS OF 1540.00 FEET AND A DISTANCE OF 630.26 FEET TO A POINT ON CURVE;

THENCE S36°12'00"E, A DISTANCE OF 188.72 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 54°34'00", A RADIUS OF 575.00 FEET AND A DISTANCE OF 547.61 FEET TO A POINT OF TANGENT;

THENCE N89°14'00"E, A DISTANCE OF 7.06 FEET;

THENCE S00°46'00"E, A DISTANCE OF 1085.87 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S89°14'14"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 166.30 FEET TO THE SOUTHEAST CORNER OF SECTION 33 OF SAID TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 THE FOLLOWING TWO (2) COURSES:

1. S89°13'48"W, A DISTANCE OF 1401.41 FEET;
2. S89°04'30"W, A DISTANCE OF 1646.85 FEET;

THENCE N35°56'43"E, A DISTANCE OF 113.88 FEET;

THENCE N78°47'17"E, A DISTANCE OF 182.32 FEET;

THENCE N54°45'26"E, A DISTANCE OF 199.63 FEET;

THENCE N30°01'21"W, A DISTANCE OF 151.07 FEET;

THENCE N05°59'19"W, A DISTANCE OF 253.00 FEET;

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THENCE N17°59'13"E, A DISTANCE OF 156.80 FEET;
THENCE N40°32'14"W, A DISTANCE OF 73.04 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 74.739 ACRES.

PARCEL 2

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

THENCE S00°12'09"E, A DISTANCE OF 3492.74 FEET TO THE POINT OF BEGINNING;

THENCE S50°26'12"E, A DISTANCE OF 588.91 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 26°05'19", A RADIUS OF 2065.000 FEET AND A DISTANCE OF 940.26 FEET TO A POINT OF TANGENT;

THENCE S76°31'31"E, A DISTANCE OF 232.57 FEET;

THENCE S31°31'31"E, A DISTANCE OF 49.50 FEET;

THENCE S13°28'29"W, A DISTANCE OF 1168.84 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 62°50'51", A RADIUS OF 1460.00 FEET AND A DISTANCE OF 1601.47 FEET TO A POINT OF TANGENT;

THENCE S76°19'20"W, A DISTANCE OF 1901.79 FEET TO THE SOUTHEASTERLY CORNER OF STERLING RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714161;

THENCE ON THE EASTERLY BOUNDARY OF SAID STERLING RANCH FILING NO. 1 THE FOLLOWING TWENTY-SIX (26) COURSES:

1. N76°13'42"W, A DISTANCE OF 278.31 FEET;
2. N17°53'47"W, A DISTANCE OF 105.91 FEET;
3. N46°52'24"E, A DISTANCE OF 128.28 FEET;
4. N15°27'56"W, A DISTANCE OF 241.77 FEET;
5. N00°53'19"W, A DISTANCE OF 131.63 FEET;
6. N35°47'33"E, A DISTANCE OF 139.61 FEET;
7. N46°04'45"E, A DISTANCE OF 252.38 FEET;
8. N60°18'33"E, A DISTANCE OF 166.84 FEET;
9. N65°39'18"E, A DISTANCE OF 252.42 FEET;
10. N02°44'27"E, A DISTANCE OF 452.46 FEET;
11. N26°06'12"W, A DISTANCE OF 393.42 FEET;
12. N04°22'24"W, A DISTANCE OF 296.69 FEET;
13. N13°28'59"E, A DISTANCE OF 371.46 FEET;
14. S88°53'18"E, A DISTANCE OF 56.14 FEET;
15. S19°39'33"E, A DISTANCE OF 163.51 FEET;
16. S50°40'25"E, A DISTANCE OF 72.52 FEET;
17. N50°58'40"E, A DISTANCE OF 94.24 FEET;
18. N40°27'16"E, A DISTANCE OF 150.60 FEET;
19. N65°02'48"E, A DISTANCE OF 632.56 FEET;
20. N87°30'37"E, A DISTANCE OF 117.08 FEET;
21. N59°31'52"E, A DISTANCE OF 178.71 FEET;
22. N00°14'13"E, A DISTANCE OF 243.48 FEET;

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23. N31°50'18"E, A DISTANCE OF 229.19 FEET;
24. N42°37'17"E, A DISTANCE OF 138.57 FEET;
25. N14°40'14"W, A DISTANCE OF 112.26 FEET;
26. N39°33'48"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 161.900 ACRES.

PARCEL 3

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

THENCE ON THE SOUTHERLY, WESTERLY AND SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 THE FOLLOWING THREE (3) COURSES:

1. N89°08'28"E, A DISTANCE OF 1326.68 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 28;
2. S00°53'18"E, A DISTANCE OF 1316.78 FEET;
3. N87°35'00"E, A DISTANCE OF 73.64 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N87°35'00"E, ON THE SOUTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1, A DISTANCE OF 619.76 FEET;

THENCE CONTINUING N87°35'00"E, A DISTANCE OF 639.38 FEET;

THENCE S00°54'30"E, A DISTANCE OF 1401.50 FEET;

THENCE S77°09'45"W, A DISTANCE OF 226.32 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;

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 587.17 FEET;

THENCE S39°33'48"W, A DISTANCE OF 980.00 FEET;

THENCE N50°26'12"W, A DISTANCE OF 545.41 FEET;

THENCE N03°04'57"W, A DISTANCE OF 230.22 FEET;

THENCE N14°57'52"E, A DISTANCE OF 155.36 FEET;

THENCE N41°47'19"E, A DISTANCE OF 88.37 FEET;

THENCE N32°15'45"E, A DISTANCE OF 71.66 FEET

THENCE N19°42'21"E, A DISTANCE OF 185.56 FEET;

THENCE N12°38'34"E, A DISTANCE OF 55.41 FEET;

THENCE N27°12'58"E, A DISTANCE OF 75.48 FEET;

THENCE N01°04'54"E, A DISTANCE OF 49.42 FEET;

THENCE N87°04'53"E, A DISTANCE OF 91.55 FEET;

THENCE N12°28'27"E, A DISTANCE OF 90.70 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 85°24'40", A RADIUS OF 85.46 FEET AND A DISTANCE OF 127.39 FEET TO A POINT OF REVERSE CURVE;

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THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°27'48", A RADIUS OF 208.41 FEET AND A DISTANCE OF 78.07 FEET TO A POINT OF REVERSE CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 66°07'59", A RADIUS OF 43.53 FEET AND A DISTANCE OF 50.24 FEET TO A POINT ON CURVE;

THENCE S63°10'02"E, A DISTANCE OF 59.72 FEET;

THENCE S82°52'49"E, A DISTANCE OF 82.74 FEET;

THENCE N82°29'37"E, A DISTANCE OF 85.63 FEET;

THENCE N51°10'06"E, A DISTANCE OF 86.23 FEET;

THENCE N56°06'51"E, A DISTANCE OF 68.55 FEET;

THENCE N29°35'35"E, A DISTANCE OF 198.68 FEET;

THENCE N51°16'10"E, A DISTANCE OF 361.44 FEET;

THENCE N27°44'47"E, A DISTANCE OF 82.16 FEET;

THENCE N07°20'33"E, A DISTANCE OF 248.45 FEET;

THENCE N17°58'09"E, A DISTANCE OF 105.84 FEET;

THENCE N23°30'33"E, A DISTANCE OF 96.02 FEET;

THENCE N04°00'08"E, A DISTANCE OF 38.97 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 84.735 ACRES.

CONTAINING A TOTAL CALCULATED AREA OF 321.374 ACRES.