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RESOLUTION NO. 21- 426

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

**APPROVE PRELIMINARY PLAN FOR STERLING RANCH PHASE TWO
(SP-20-003)**

WHEREAS, SR Land, LLC, 8335 Vollmer Road, LLC, and Challenger Communities, 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 Phase Two 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 November 2, 2021, 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 November 9, 2021; 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. **Sufficiency:** 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. (Phase 1 Only)
9. 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. 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.W. §30-28-133(6)(c)].
11. 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. 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.
13. 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.

14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. 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 Phase Two Subdivision;

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

CONDITIONS

1. Applicable drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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,

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

- 4. 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.**
- 5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.**
- 6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 4 of the Sterling Ranch Filing No. 2 and Sterling Ranch Phase 2 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 Phase Two Preliminary Plan area.**

NOTATIONS

- 1. Preliminary plan approval does authorize future final plat filings to be approved administratively.**
- 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. The provisions of the subdivision improvement agreement (SIA) approved in conjunction with the Sterling Ranch Filing No. 1 final plat (SF-16-13) as**

recorded at Reception No. 218061175 remain valid and apply to this preliminary plan, specifically regarding requirements for Sand Creek channel improvements.

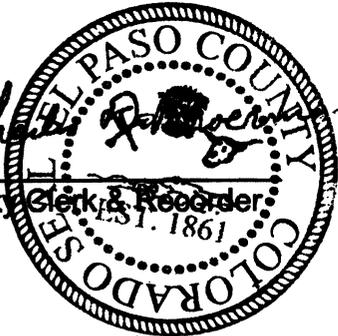
AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of November, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: 
County Clerk & Recorder



By: 
Chair

EXHIBIT A

PROPERTY DESCRIPTION – SOUTH PARCEL

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, ALL IN TOWNSHIP 13 SOUTH, RANGE 65 WEST, ALL OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF 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 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTHWEST CORNER AND 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTH QUARTER CORNER, SAID LINE BEARING N89°14'14"E.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N76°27'59"W A DISTANCE OF 3,258.79 FEET, TO A POINT ON THE SOUTHERLY LINE OF STERLING RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 218714151 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON SAID SOUTHERLY LINE, N76°19'20"E A DISTANCE OF 306.51 FEET; THENCE DEPARTING SAID SOUTHERLY LINE, THE FOLLOWING SIX (6)

COURSES;

- 1. S76°13'42"E A DISTANCE OF 113.48 FEET;**
- 2. S40°32'14"E A DISTANCE OF 104.08 FEET;**
- 3. S17°59'13"W A DISTANCE OF 156.80 FEET;**
- 4. S05°59'16"E A DISTANCE OF 253.00 FEET;**
- 5. S30°01'27"E A DISTANCE OF 151.07 FEET;**
- 6. S54°45'26"W A DISTANCE OF 199.63 FEET;**

THENCE ON THE SOUTHEASTERLY LINE OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 21705379 AND ITS EXTENSION, THE FOLLOWING TWO (2) COURSES:

- 1. S78°47'17"W A DISTANCE OF 182.32 FEET;**
- 2. S35°56'43"W A DISTANCE OF 113.87 FEET, TO A POINT ON THE NORTHERLY LINE OF PAWNEE RANCHEROS FILING NO. 2 RECORDED IN PLAT BOOK U-2 AT PAGE 45;**

THENCE ON THE NORTHERLY AND WESTERLY LINES OF SAID PAWNEE RANCHEROS FILING NO. 2, THE FOLLOWING TWO (2) COURSES:

- 1. S89°04'30"W A DISTANCE OF 910.63 FEET;**
- 2. S00°13'07"W A DISTANCE OF 1,128.08 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;**

THENCE ON SAID SOUTH LINE, S89°16'22"W A DISTANCE OF 1,321.55 FEET, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4;

THENCE ON THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4, N06°22'37"E A DISTANCE OF 709.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT ACCESS AND UTILITY EASEMENT RECORDED UNDER RECEPTION NO. 214100440;

THENCE ON SAID SOUTHERLY EASEMENT LINE, N49°38'29"W A DISTANCE OF 141.92 FEET;

THENCE DEPARTING SAID SOUTHERLY EASEMENT LINE, N40°21'31"E A DISTANCE OF 160.00 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID ACCESS AND UTILITY EASEMENT;

THENCE ON SAID NORTHERLY EASEMENT LINE, N49°38'29"W A DISTANCE OF 16.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT 20.00' ELECTRIC EASEMENT RECORDED UNDER RECEPTION NO. 218054783;

THENCE ON SAID SOUTHERLY EASEMENT LINE, THE FOLLOWING FIVE (5) COURSES:

1. N40°21'31"E A DISTANCE OF 402.59 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 08°26'12" AND AN ARC LENGTH OF 136.94 FEET, TO A POINT OF NON-TANGENT;
3. N41°03'23"E A DISTANCE OF 60.19 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S37°34'00"E, HAVING A RADIUS OF 940.00 FEET, A CENTRAL ANGLE OF 23°53'20" AND AN ARC LENGTH OF 391.92 FEET, TO A POINT OF TANGENT;
5. N76°19'20"E A DISTANCE OF 386.99 FEET;

THENCE DEPARTING SAID SOUTHERLY EASEMENT LINE, N13°40'40"W A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID 20.00' ELECTRIC EASEMENT;

THENCE ON SAID NORTHERLY EASEMENT LINE, N76°19'20"E A DISTANCE OF 50.00 FEET;

THENCE DEPARTING SAID NORTHERLY EASEMENT LINE, S13°40'40"E A DISTANCE OF 20.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID 20.00' ELECTRIC EASEMENT

THENCE ON SAID SOUTHERLY EASEMENT LINE, N76°19'20"E A DISTANCE OF 852.10 FEET;

THENCE DEPARTING SAID SOUTHERLY EASEMENT LINE, N13°40'40"W A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID 20.00' ELECTRIC EASEMENT;

THENCE ON SAID NORTHERLY EASEMENT LINE, N76°19'20"E A DISTANCE OF 80.00 FEET;

THENCE DEPARTING SAID NORTHERLY EASEMENT LINE, N13°40'40"W A DISTANCE OF 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 2,660,672 SQUARE FEET OR 61.0806 ACRES.

PROPERTY DESCRIPTION – NORTH PARCEL

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF 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 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTHWEST CORNER AND 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AT THE SOUTH QUARTER CORNER, SAID LINE BEARING N89°14'14"E.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N82°23'37"W A DISTANCE OF 4,105.23 FEET, TO A POINT ON THE SOUTHERLY LINE OF THAT 20.00' ELECTRIC EASEMENT RECORDED UNDER RECEPTION NO. 218054783 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTHERLY EASEMENT LINE, S76°19'20"W A DISTANCE OF 60.00 FEET;

THENCE DEPARTING SAID SOUTHERLY EASEMENT LINE, N13°40'40"W A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID 20.00' ELECTRIC EASEMENT;

THENCE ON SAID NORTHERLY EASEMENT LINE, THE FOLLOWING TWO (2) COURSES:

- 1. S76°19'20"W A DISTANCE OF 381.99 FEET, TO A POINT OF CURVE;**
- 2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, A CENTRAL ANGLE OF 19°59'04" AND AN ARC LENGTH OF 369.72 FEET, TO A POINT OF NON-TANGENT;**

THENCE DEPARTING SAID NORTHERLY EASEMENT LINE, THE FOLLOWING SIX (6) COURSES:

- 1. N16°30'13"W A DISTANCE OF 179.19 FEET;**
- 2. S73°29'47"W A DISTANCE OF 11.27 FEET;**
- 3. N01°55'19"E A DISTANCE OF 307.22 FEET;**
- 4. N05°37'53"E A DISTANCE OF 90.96 FEET;**
- 5. N02°02'55"E A DISTANCE OF 130.48 FEET;**
- 6. N00°42'35"W A DISTANCE OF 241.35 FEET, TO A POINT ON THE SOUTHERLY LINE OF AMENDED PLAT BARBARICK SUBDIVISION RECORDED UNDER RECEPTION NO. 217713910;**

THENCE ON SAID SOUTHERLY LINE, N89°17'25"E A DISTANCE OF 697.50 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES

- 1. S00°42'35"E A DISTANCE OF 539.36 FEET**
- 2. N76°19'20"E A DISTANCE OF 63.46 FEET;**
- 3. S13°40'40"E A DISTANCE OF 195.00 FEET, TO THE POINT OF BEGINNING.**

CONTAINING A CALCULATED AREA OF 589,966 SQUARE FEET OR 13.5437 ACRES.