

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Darryl Glenn, President

FROM: Kari Parsons, PM/Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SF-18-017
Project Name: Forest Lakes Filing No. 4 Final Plat
Parcel No.: 71274-03-017

OWNER:	REPRESENTATIVE:
Forest Lakes Residential Development, LLC 111 Main Street, Suite 1600 Kansas City, MO 64105	N.E.S. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	7/17/2018
Board of County Commissioners Hearing Date	7/31/2018

EXECUTIVE SUMMARY

A request by Forest Lakes Residential Development, LLC, for approval of a final plat to create 42 single-family residential lots; four (4) tracts totaling 2.219 acres to be utilized for open space, landscaping, utility, public improvements, and drainage; and 2.325 acres of right-of-way. The 11.56 acre parcel is zoned PUD (Planned Unit Development) and is located south of Forest Lake Drive, west of Lakes Edge Drive, and is within Section 27, Township 11 South, Range 67 West of the 6th Principal Meridian. The parcel is within the boundaries of the Tri-Lakes Comprehensive Plan (2000) planning area.

The final plat conforms to the approved Amended Forest Lakes PUD (Planned Unit Development) Development Plan, which also included approval of the preliminary plan amendment. The final plat meets the submittal, review requirements, and general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the EI Paso County Land Development Code (2017). Water and wastewater service will be provided by Forest Lakes Metropolitan District. A finding for water sufficiency for water quality, quantity and dependability was previously made at the time of the preliminary plan amendment approval.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by Forest Lakes Development, LLC, for approval of a final plat to create 42 single-family residential lots, right of way, and four (4) tracts to be utilized as open space, landscaping, utility, public improvements, and drainage.

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

Authorization to Sign: Final plat 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 on July 17, 2018

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 6 to 0

Vote Rationale: N/A

Summary of Hearing: Applicant was represented at the meeting.

Legal Notice: N/A

C. APPROVAL CRITERIA

In approving a final plat, Section 7.2.1.D.3 of the Land Development Code states that the BoCC shall find that:

- 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.]

C. LOCATION

North: PUD (Planned Unit Development)	Single-Family Residential
South: PUD (Planned Unit Development)	Vacant
East: PUD (Planned Unit Development)	Vacant
West: PUD (Planned Unit Development)	Vacant

D. BACKGROUND

The Board of County Commissioners approved the Forest Lakes PUD (Planned Unit Development) Development Plan (PUDSP-15-002) on June 21, 2016, as an amendment to the original Forest Lakes PUD (PUD-01-009) and preliminary plan (SP-01-019), which were approved on February 26, 2002. The amended PUD, which included approval of the preliminary plan amendment, resulted in a reconfiguration and reduction of the number of single family residential lots from 163 to 161.

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 08041C0286-F identified the 100-year floodplain (Zone AE) within portions of the approved preliminary plan. Those portions of the property containing the floodplain were included as future development tracts on the Forest Lakes Filing No. 2B Final Plat. A Letter of Map Revision (LOMR), case number 18-08-0914P has been submitted to FEMA, revising the floodplain and removing the 100-year floodplain designation for the land within the tracts. The tracts will be eligible to be re-platted as single-family residential lots upon approval of the LOMR from FEMA. Recommended Condition of Approval No. 11 states that, the final plat will not be recorded until the LOMR is approved by FEMA and such documentation will be provided to the Planning and Community Development Department. This final plat request is for the approval of 42 single-family lots and public right-of way within those tracts.

E. ANALYSIS

1. Land Development Code Compliance

This application meets the final plat submittal requirements, the General Development Standards in Chapter 6, 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 (2016). The final plat is in conformance with the approved preliminary plan amendment.

2. Zoning Compliance

The Forest Lakes Filing 4 Final Plat is consistent with the approved Forest Lakes PUD development plan and development guidelines. The Forest Lakes PUD development plan provides: allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights; as well as landscaping requirements.

3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made with the previously approved overall Forest Lakes PUD (PUD-01-009) and

preliminary plan (SP-01-019). The same findings were made with the approved Amended Forest Lakes PUD (PUDSP15-002) development plan which also included approval as a preliminary plan amendment. This final plat is consistent with all previous PUD (Planned Unit Development) development plan and preliminary plan approvals.

4. Small Area Plan Analysis

The Forest Lakes Filing 4 final plat is located within the boundaries of the Twin Valley Sub-Area of the Tri-Lakes Comprehensive Plan (2000). Approval of the overall Forest Lakes PUD (PUD-01-009) and preliminary plan (SP-01-019) included findings of Master Plan consistency, which included consistency with the Plan. The same findings were made with the approved Amended Forest Lakes PUD (PUDSP-15-002) Development Plan, which also included approval as a preliminary plan amendment. This final plat is consistent with the previous PUD (Planned Unit Development) development plan and preliminary plan approvals.

5. Other Master Plan Elements

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace deposits and Mesa Gravel deposits in the area of the subject property. The mineral rights certification prepared by the applicant and the title policy indicate that there are no severed mineral rights associated with the property.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology and soils report, dated August 15, 2001, was submitted by CTL Thompson in support of the approved 2001 preliminary plan. The Colorado Geological Survey received the geology and soils report and did not provide comments regarding the report. No geologic or natural hazards were identified in the review of the PUD development plan and preliminary plan amendment by staff with exception to the floodplain.

The floodplain has been acknowledged by the applicant and has been incorporated into the final plat application by the anticipated approval and completion of the Letter of Map Revision (LOMR), which proposes to remove the flood hazard from the platted tracts in order to allow the tracts to be replatted as buildable lots.

2. Wildlife

Potential impact to wildlife is generally high as depicted in the El Paso County Wildlife Habitat Descriptors Map (1996). The Colorado Division of Parks and

Wildlife provided recommendations for the developer and future homeowners to reduce negative impacts between humans, property, and resident wildlife species. The division recommended the developer be cautious not to remove trees occupied by nesting birds and to revegetate areas of ground disturbance with native seed blend to match the surrounding vegetation types as accurately as possible. The division also recommended the developer provide future homeowners "educational material regarding wildlife either through the purchase process, or through the development itself."

3. Floodplain

Approval of LOMR Case No. 18-08-0914P is pending with FEMA; therefore, the plat may not be recorded until receipt of the approved LOMR.

LOMR Case No. 18-08-0914P depicts lots within the subdivision as being located in Zone X (area determined to be out of the 500 year floodplain) with a portion of Tract B (unaffected by LOMR case No. 18-08-0914P) located in Zone AE as determined by the FEMA Flood Insurance Rate Map number 08041C0286F, effective date March 17, 1997, and as amended by the FEMA approved Letter of Map Revisions (LOMR) case number 03-08-0449P dated June 23, 2004, and case number 18-08-0914P. No structures are permitted within the designated AE floodplain areas.

4. Drainage and Erosion

The final plat is located within the Beaver Creek (FOMO4600) drainage basin. Drainage fees are required to be paid at the time of plat recordation. There are no associated bridge fees in the Beaver Creek drainage basin.

Drainage design and analysis for Forest Lakes Filing No. 4 was completed with "Preliminary and Final Drainage Report for Forest Lakes Filings 2A and 2B" by Classic Consulting Engineers and Surveyors, approved August 8, 2016. All needed drainage improvements are currently being constructed with Filing No. 2B. No additional drainage improvements are required with Filing No. 4

5. Transportation

The interior roadway system for Filing No. 4 was analyzed, designed, and is currently being constructed with the development of Filing No. 2B. No public improvements are associated with Filing No. 4; however, a portion of the right-of-way for streets constructed with Filing 2B is depicted on the Filing No. 4 final plat.

Forest Lakes Filing No. 4 is subject to the El Paso County Road Impact Fee Program (Resolution 16-320), as amended. The applicant has elected to include this subdivision within the El Paso County Public Improvement District No. 3 and as such will be subject to the applicable road impact fees and mill levy.

H. SERVICES

1. Water

Forest Lakes Metropolitan District has committed to providing water service to the development.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: El Paso County Public Health made a recommendation for a finding of sufficiency in terms of water quality with the approved amended preliminary plan and this final plat. The State Engineer's Office provided an opinion that the water supply can be provided without causing injury at the time of the amended preliminary plan approval. The County Attorney's Office made a recommendation for sufficiency for water quantity and dependability to the Board of County Commissioners at the time of the amended preliminary plan approval.

2. Sanitation

Forest Lakes Metropolitan District has committed to providing wastewater service to the development.

3. Emergency Services

The site is within the boundaries of the Tri-Lakes Monument Fire Protection District. The District was sent a copy of the final plat application. The District has no objections to this request.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service to the proposed subdivision. Black Hills Energy will provide natural gas service to the proposed subdivision. Standard utility easements are shown on the final plat.

5. Metropolitan Districts

This final plat area is within the Forest Lakes Metropolitan District which provides water and wastewater service and maintains landscaping, open space, and private drainage facilities within the Forest Lakes Development.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) shows no open space, park facilities, or trails intersected by or within the project area. Payment of Urban Park (Area 1) fees in the amount of \$11,424.00, in lieu of land dedication, will be due at the time of the final plat recordation. A park lands agreement is an acceptable alternative to urban park fees if executed prior to recording of this final plat and subject to provisions of urban park amenities, specifically Waterfront Park.

7. Schools

The Forest Lakes development is located within Lewis Palmer School District No. 38. A 9.89 acre school site was dedicated to the County for the benefit of the School District to allow for the construction of a future elementary school site. Dedication of the land satisfied the school dedication requirements for the overall Forest Lakes Development. The District has yet to request transfer of the school land from the County.

I. APPLICABLE RESOLUTIONS:

See Attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues with this request.

K. 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 (2017) staff recommends the following conditions and notation:

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 provide 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. 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.
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. 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.
8. 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. 16-454), 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.
9. Park fees in lieu of land dedication for urban park (Area 1) fees shall be paid at the time of plat recordation. A park lands agreement is an acceptable alternative to urban park fees if executed prior to recording of this final plat and subject to provision of urban park amenities, specifically Waterfront Park.
10. Drainage fees in the amount of \$50,387.18 for the Beaver Creek (FOMO4600) drainage basin shall be paid to El Paso County at the time of plat recordation.

11. The final plat will may not be recorded until the LOMR is approved by FEMA and documentation is provided to the Planning and Community Development Department.

NOTATIONS

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. The property within this final plat filing will be included in Public Improvement District No. 3 to satisfy the El Paso County Road Impact Fee program requirements.
3. Approval of LOMR Case No. 18-08-0914P is pending with FEMA; therefore, the applicant will not be scheduled for BoCC hearing until receipt of the approved LOMR. Per the Floodplain Administrator, no building permits will be issued prior to the effective date for LOMR, case no. 18-08-0914P.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified two (2) adjoining property owners on June 26, 2018, for the Board of County Commissioners hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
Planning Commission Resolution
Board of County Commissioner's Resolution

El Paso County Parcel Information

PARCEL	NAME
7127403017	FOREST LAKES RESIDENTIAL DEV LLC

File Name:

Zone Map No.:

ADDRESS	CITY	STATE
1111 MAIN ST #1600	KANSAS CITY	MO

ZIP	ZIPPLUS
64105	2116

Date:



Please report any parcel discrepancies to
El Paso County Assessor
1675 W. Garden of the Gods Rd
Colorado Springs, CO 80907

44 520-66400



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Forest Lakes Filing No. 4 Letter of Intent

Owner:

Forest Lakes Residential Development LLC
c/o Chillicothe Properties
1111 Main St. STE. 1600
Kansas City, MO 64105-2116
(719) 327-5810

Applicant/Consultant

Classic Consulting Engineers & Surveyors, LLC
619 N. Cascade Ave., Suite 200
Colorado Springs, CO 80903
(719) 785-0790

Site location:

South of intersection of Forest Lakes Drive and Long Valley Drive, south of the Town of Monument

Size:

11.559 Acres

Zoning:

PUD (Existing)

Request:

Applicant requests that the previously platted Tract B (Final Plat for Forest Lakes Filing No. 2B) be replatted to reflect 42 lots where one large tract currently exists. The tract is currently impacted by an existing FEMA Floodplain. The LOMR approval process (CLOMR already approved), is being processed through FEMA to remove said floodplain from the site. The plat cannot be recorded until the floodplain is removed, but conditional approval is being requested to move the project forward thru Planning Commission. The Final Plat will not be heard at BOCC pending county receipt of the approved LOMR.

Justification:

Classic Consulting Engineers & Surveyors (CCES) had already worked with the County on this project in order to allow the area of Filing 2B unaffected by the floodplain to be platted and developed (Filing 2B). Construction of the Filing No. 4 area is taking place as CD approval to facilitate the LOMR was obtained from El Paso County in 2017. All prior requirements and obligations will remain unchanged from the prior submittal (for the overall original Filing 2B area). Construction Surety already posted for both 2B (which includes the proposed Fil. No. 4).

The 42 lots in Filing No. 4 were previously proposed and approved within the Forest Lakes Amended PUD Development Plan and Preliminary Plan as recorded on December 29, 2016 under reception number 216151100. The proposed 42 lots are a portion of the previously approved 160 lots. These same 42 lots



were also initially included within the Fil 2B Final Plat prior to the floodplain issue resulting in their interim removal from the 2B plat.

The Traffic Study for the same Amended PUD Plan also included these same 42 lots within its analysis. As no lots are being added, no modifications to the prior analysis or anticipated traffic generation are proposed.

Existing and Proposed facilities, structures, roads, etc.:

Forest Lakes Drive is fully constructed adjacent to this site and water and sanitary have been previously placed with the Filing 2B area that serves the Filing 4 area.

Waiver Requests:

None required.

Sm/117502/letter of intent 2B-A.docx

A REPLAY OF TRACT B AS PLATTED IN FOREST LAKES FILING NO. 28 RECORDED UNDER RECEPTION NO. 21774065 RECORDS OF EL PASO COUNTY, COLORADO IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

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FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Curry moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. SF-18-017**

WHEREAS, Forest Lakes Residential Development, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Forest Lakes Filing No. 4 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 July 17, 2018; 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 Forest Lakes Filing No. 4 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 provide 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. 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.
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. 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.
8. 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. 16-454), 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.

9. Park fees in lieu of land dedication for urban park (Area 1) fees shall be paid at the time of plat recordation. A park lands agreement is an acceptable alternative to urban park fees if executed prior to recording of this final plat and subject to provision of urban park amenities, specifically Waterfront Park.
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NOTATIONS

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. The property within this final plat filing will be included in Public Improvement District No. 3 to satisfy the El Paso County Road Impact Fee program requirements.
3. Approval of LOMR Case No. 18-08-0914P is pending with FEMA; therefore, the applicant will not be scheduled for BoCC hearing until receipt of the approved LOMR. Per the Floodplain Administrator, no building permits will be issued prior to the effective date for LOMR, case no. 18-08-0914P.

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 Dillon seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Curry	aye
Commissioner Wood	aye
Commissioner Friedman	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: July 17, 2018

EXHIBIT A

LEGAL DESCRIPTION

TRACT B AS PLATTED IN FOREST LAKES FILING NO. 2B, RECORDED UNDER
RECEPTION NO. 21714065, RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 503,501 SQUARE FEET, 11.559 ACRES

RESOLUTION NO. 18-

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

APPROVE FINAL PLAT FOR FOREST LAKES FILING NO. 4 (SF-18-017)

WHEREAS, Forest Lakes Residential Development, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Forest Lakes Filing No. 4 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 July 17, 2018, 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 July 31, 2018; 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 Forest Lakes Filing No. 4 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 provide 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. 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.

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. 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.
8. 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. 16-454), 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.
9. Park fees in lieu of land dedication for urban park (Area 1) fees shall be paid at the time of plat recordation. A park lands agreement is an acceptable alternative to urban park fees if executed prior to recording of this final plat and subject to provision of urban park amenities, specifically Waterfront Park.
10. Drainage fees in the amount of \$50,387.18 for the Beaver Creek (FOMO4600) drainage basin shall be paid to El Paso County at the time of plat recordation.
11. The final plat will may not be recorded until the LOMR is approved by FEMA and documentation is provided to the Planning and Community Development Department

NOTATIONS

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

2. The property within this final plat filing will be included in Public Improvement District No. 3 to satisfy the El Paso County Road Impact Fee program requirements.
3. Approval of LOMR Case No. 18-08-0914P is pending with FEMA; therefore, the applicant will not be scheduled for BoCC hearing until receipt of the approved LOMR. Per the Floodplain Administrator, no building permits will be issued prior to the effective date for LOMR, case no. 18-08-0914P.

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

DONE THIS 31st day of July, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION

TRACT B AS PLATTED IN FOREST LAKES FILING NO. 2B, RECORDED
UNDER RECEPTION NO. 21714065, RECORDS OF EL PASO COUNTY,
COLORADO.

CONTAINING A CALCULATED AREA OF 503,501 SQUARE FEET, 11.559