



RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR O'CONNELL SUBDIVISION (File No. VR238)

WHEREAS, LGA Studios and Sean O'Connell, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the O'Connell 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code ("Code"), amended by the Board of County Commissioners of El Paso County, Colorado ("Board") on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Department Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on December 21, 2023, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Department Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Department Director.
3. The administrative review of the application by the Planning and Community Development Department Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.
4. All exhibits were received into evidence.

5. The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
6. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
7. The replat is in keeping with the purpose and intent of this Code;
8. The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
9. 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;
10. The approval will not adversely affect the public health, safety, and welfare; and
11. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

The El Paso County Planning and Community Development Department Director, therefore, APPROVES the final plat application for the O'Connell Subdivision.

The following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved 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 applicants shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. Regional park fees in lieu of land dedication in the amount of \$460.00 and urban park fees in lieu of land dedication in the amount of \$290.00 shall be paid at the time of final plat recordation.

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.

DONE THIS 21st day of December 2023 at Colorado Springs, Colorado.

Meggan Herington, Executive Director
El Paso County Planning and Community Development Department

A handwritten signature in black ink, appearing to read 'Meggan Herington', is written over a horizontal line. The signature is fluid and cursive.

EXHIBIT A

**O'CONNELL SUBDIVISION
SUBDIVISION BOUNDARY LEGAL DESCRIPTION**

LOT 1 O'CONNELL SUBDIVISION, COUNTY OF EL PASO, STATE OF COLORADO.