



RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR
SOLACE APARTMENTS FILING NO. 1 (SF-20-032)

WHEREAS, CS Powers & Galley, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Solace Apartments Filing No. 1 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 Director ("Director") the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on September 27, 2022, 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 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 Director.
3. The administrative review of the application by the Planning and Community Development 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 subdivision is in 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. At a public hearing on the preliminary plan held on November 10, 2020, the Board found 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)(1)] and the requirements of Chapter 8 of the 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 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 Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.

15. 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 Code.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Director therefore APPROVES the final plat application for the Solace Apartments Filing No. 1 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 applicant 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. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided when at the time of final plat recordation.
9. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
10. The subdivider(s) agrees on behalf of him/herself and any 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. 19-471), 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 disclose the fee obligation before sale of the property.
11. Urban park fees (Area 5) in lieu of land dedication in the amount of \$69,030.00 shall be paid at the time of plat recordation. Regional park fees (Area 2) in lieu of land dedication in the amount of \$109,278.00 shall be paid at the time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$23,868.00 shall be paid to El Paso County for the benefit of Colorado Springs School District No. 11 at the time of plat recording.

13. Drainage fees in the amount of \$237,916.00 and bridge fees in the amount of \$97,316.00 shall be paid for the Sand Creek drainage basin at the time of plat recordation. Drainage fees may be offset with credits available at the time of platting.
14. Construction of Paonia Street as a collector road through the site to the end of the existing Paonia Street at the north shall be completed by the developer and preliminarily accepted by the County prior to County authorization of a Certificate of Occupancy for the site.
15. Sand Creek Tributary Channel improvements shall be completed and a LOMR application shall be submitted to FEMA prior to County authorization of a Certificate of Occupancy for the site.
16. An effective LOMR shall be approved by FEMA prior to final acceptance of Paonia Street by the County or issuance of any building permits within Tract A.
17. The applicant shall obtain a floodplain development permit and provide a no-rise letter or CLOMR submittal for work in the Sand Creek channel.
18. A license agreement between El Paso County and the Developer shall be required for the construction and completion of the Sand Creek Tributary Channel improvements.
19. Upon initiation of site grading the Developer/Owner shall be responsible for maintenance of the Sand Creek Tributary Channel adjacent to and within the final plat until construction of the necessary channel improvements have been accepted by El Paso County.
20. Within one month of issuance of the final certificate of occupancy in Filing No. 1, the Developer shall provide signal warrant analysis for the Paonia St. and Galley Road intersection to the El Paso County Planning and Community Development Department and the Department of Public Works for review. If signal warrants are not met at that time, warrant analysis shall be updated every six (6) months thereafter unless otherwise changed in writing by the County Engineer. When signal warrants are met, and upon direction from the County Engineer, the improvements to the intersection shall be fully collateralized within one month, construction documents for the signal/intersection improvements shall be submitted to PCD for approval, construction started on the improvements within six (6) months, and construction completed within 2 years of approval of the construction documents. Should it be determined that a signal warrant has not been met after the third signal

warrant analysis, then the Developer shall be absolved of any responsibility for the installation of the traffic signal due to the development of Solace Apartments Filing No. 1.

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 27th day of September, 2022 at Colorado Springs, Colorado, *nunc pro tunc* December 15, 2021.

KEVIN MASTIN, INTERIM EXECUTIVE DIRECTOR
EL PASO COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT



EXHIBIT A

THE TRAILS AT ASPEN RIDGE FILING NO. 3 LEGAL DESCRIPTION:

ALL OF TRACT G AND TRACT I, THE TRAILS AT ASPEN RIDGE FILING NO.2, RECORDED AT RECEPTION NO.221714795 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDERS OFFICE, LOCATED IN A PORTION OF THE WEST 1/2 OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

AREA OF TRACTS EQUAL 59.995 ACRES, MORE OR LESS.