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Pages

El Paso County, CO

RECORD OF ADMINISTRATIVE ACTION

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APPROVAL OF A FINAL PLAT FOR FALCON MARKETPLACE (SF-19-001)

WHEREAS, LG HI Falcon, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Falcon Marketplace 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 <u>El Paso County Land Development Code</u> ("<u>Code</u>"), 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 <u>Code</u>; and

WHEREAS, on December 18, 2019, 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:

- The application was properly submitted for consideration by the Planning and Community Development Executive Director.
- 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.
- 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 October 9, 2018, 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.
- 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 <u>Code</u> and <u>Engineering Criteria Manual</u> ("<u>ECM</u>").
- 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 <u>Code</u> and the <u>ECM</u>.
- 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 <u>Code</u>.

- 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 <u>Code</u>.
- 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 Falcon Marketplace 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. In accordance with El Paso County Board of County Commissioners Resolution 18-186, the applicant shall obtain an access permit to be administratively issued, with appropriate conditions in accordance with the El Paso County Engineering Criteria Manual, for the proposed right-in access from Woodmen Road.
- 8. Final construction plans, technical reports, and financial assurance form(s) associated within the final plat area and associated off-site improvements shall be submitted to the Planning and Community Development Department for review and approval by the ECM Administrator prior to approval of any subsequent site development plans.
- 9. The Subdivision Improvements Agreement, including the Financial Assurance Estimate as approved by the ECM Administrator, shall be filed at the time of recording the final plat.
- 10. Collateral sufficient to ensure the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
- 11. 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. 18-471), 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.
- 12. A LOMR (Letter of Map Revision) must be completed prior to issuance of building permit pursuant to the Floodplain Administrator for El Paso County.

- 13. Drainage fees for the Falcon drainage basin in the amount of \$779,058.60 apply. If collateral in excess of the drainage fee for the regional drainage improvements associated with this final plat is provided upon recordation of the final plat, the drainage fees due may be offset by the cost of the regional improvements. The developer may establish drainage fee credits upon construction of the regional improvements. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
- 14. Bridge fees for the Falcon drainage basin in the amount of \$107,014.70 shall be paid at the time of final plat recording.
- 15. An Escrow Agreement, including the Financial Assurance Estimate for the additional offsite intersection improvements identified in Condition No. 16b below, as approved by the El Paso County Planning and Community Development Department and the El Paso County Attorney's Office, shall be completed at the time of recording the first final plat in the Falcon Marketplace development. A fair share contribution toward the additional offsite intersection improvements, based on proportional calculated traffic generation, shall be deposited for each replat, or site development plan within the Falcon Marketplace development as applicable.
- 16. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in upgrading/construction of the surrounding roads and intersections impacted by the anticipated traffic from this development, as identified in Table 7b of the associated Falcon Marketplace Traffic Impact Analysis, dated September 5, 2018, as attached as Exhibit B. A development agreement to include identification and phasing of necessary off-site public improvements shall be completed with the final plat submittal. Construction of, or contribution of fair share escrow toward, off-site improvements shall be required based on impacts to traffic levels of service attributed to the average daily traffic (ADT) generation of the individual users or lots in this subdivision. The off-site improvements include:
 - a. Construction of items numbered 2-7, 11, and 13 in Table 7b; and
 - b. A pro-rata share of the following additional offsite intersection improvements, to be provided as described in Condition No. 5 below: items numbered 12, 16, 17, and 18 in Table7b as attached in Exhibit B.

Record of Administrative Action Falcon Marketplace Page 6

NOTATIONS

- 1. No school fees are due upon plat recordation pursuant to Section 8.5.3 of the <u>El</u> Paso County Land Development Code (2019).
- 2. No park fees are due upon plat recordation pursuant to Section 8.5.2 of the El Paso County Land Development Code (2019).
- 3. 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 18th day of December 2019, at Colorado Springs, Colorado.

CRAIG DOSSEY, EXECUTIVE DIRECTOR EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Record of Administrative Action Falcon Marketplace Page 7

EXHIBIT A

FALCON MARKETPLACE 37.506 ACRES BOUNDARY

LEGAL DESCRIPTION-FALCON MARKETPLACE SUBDIVISION

PARCEL A: THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPT THAT PORTION THEREOF LYING WITHIN THE LIMITS OF THE PLAT OF THE TOWN OF FALCON, COUNTY OF EL PASO, STATE OF COLORADO. PARCEL B: THAT PORTION OF BLOCK 1, TOWN OF FALCON, LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

EXCEPTING FROM THE ABOVE-REFERENCED PARCELS THOSE PORTIONS CONVEYED TO WOODMEN ROAD METROPOLITAN DISTRICT BY WARRANTY DEED RECORDED APRIL 19, 2004 AT RECEPTION NO. 204062427, AND PERSONAL REPRESENTATIVE'S DEED RECORDED SEPTEMBER 7, 2007 AT RECEPTION NO. 207116129.

THE ABOVE DESCRIBED PARCELS OF LAND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 IS ASSUMED TO BEAR SOUTH 89°44'22"WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4, SOUTH 00°26'04""EAST, 1133.99 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMEN ROAD, AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 204062427 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO, THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 89°19'51" EAST, 165.69 FEET;
- 2) SOUTH 00°40'09" EAST, 90.69 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTH, FROM WHICH THE RADIAL LINE BEARS SOUTH 02°11'54" EAST;
- 3) EASTERLY 408.73 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, HAVING A CENTRAL ANGLE OF 02°00'54", A RADIUS OF 11622.00 FEET AND CHORD WHICH BEARS NORTH 88°48'33" EAST, 408.71 FEET;
- 4) NORTH 89°49'00" EAST, 594.21 FEET;
- 5) NORTH 44°39'52" EAST, 70.52 FEET;
- 6) NORTH 89°49'00" EAST, 45.00 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 207116129 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO; THENCE ALONG SAID TRACT OF LAND THE FOLLOWING THREE (3) COURSES:
 - 1) NORTH 00°29'16" WEST, 30.00 FEET;
 - 2) NORTH 89°49'00" EAST, 30.01 FEET;
 - 3) SOUTH 00°29'40" EAST, 30.00 FEET TO THE NORTHEASTERLY MOST CORNER OF THE WOODMEN ROAD RIGHT-OF-WAY AS DESCRIBED IN SAID DOCUMENT RECORDED UNDER RECEPTION NO. 204062427; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

Record of Administrative Action Falcon Marketplace Page 8

- 1) SOUTH 00°29'40" WEST, 124.99 FEET;
- 2) SOUTH 89°49'00" WEST, 1294.04 FEET TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4;

THENCE ALONG SAID WEST LINE, SOUTH 00°26'04"EAST, 30.00 FEET TO THE SOUTH LINE OF THE SE1/4 OF THE SE1/4; THENCE ALONG SAID SOUTH LINE, NORTH 89°49'00" EAST, 1324.08 FEET TO THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE ALONG THE EAST LINE OF THE SE 1/4 OF THE SE 1/4, NORTH 00°29'40" WEST, 1322.87 FEET TO THE NORTH LINE OF THE SE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, SOUTH 89°44'22" WEST, 1322.68 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 37.506 ACRES OR 1,633,759 SQUARE FEET, MORE OR LESS.

Record of Administrative Action Falcon Marketplace Page 9

EXHIBIT B

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Record of Administrative Action Falcon Marketplace Page 10

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x 3	By other future developments impacting this turn isne. Potential for fee program cradit for improvements completed as this is a regional fee program cradit for improvements.		Golden Says intersections	Future (if inscensiny ~ Add additional lans longth beyond #1.3 to provide additional standing liftwinsn needed (as shown in Figure 28).	Meridian morthbound dual left-turn lanes. LONG TERM: Potestially, additional growth in the Telecon Assa and east identy Educate Legistras with effect-turning traffic efferende Long-form analysis influstos the patiental future need for 400 feet of stacking distance plus the 235 feet of decientalian distances and the 200 feet taper.
EXHIBIT B	Short Term • Falcon Marketplace	PLANNED TO BE COMPLETED WITH PHASE 1	PHANET.	With the development of Falcen Marketplace, extend the instribution defeating and sea shown in Figure 25.	We find an evertebound dual laft-turn tarnar. Langithening of northbound left-turn ienses and potential latter future ferplanning to profite at 200 feet latter instition leave. 235 feet of total facilities of subject at 200 feet latter instition lateral. 235 feet of total facilities of subject at 200 feet latter instition lateral lane energia ratio. 35 feet of total facilities that lane lateral distincts. CURRENT lane energy and 150 feet lane to lateral lateral lateral lateral lateral lateral subject lateral late

