



RECORD OF ADMINISTRATIVE ACTION

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 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 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:

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 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.
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 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 Table 7b as attached in Exhibit B.

NOTATIONS

1. No school fees are due upon plat recordation pursuant to Section 8.5.3 of the El 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


_____ *CD*

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:*

- 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.

EXHIBIT B

<p>13</p> <p>Meridian northbound dual left-turn lanes and potential future lane implementation to provide a 200-foot lane transition taper, 235 feet of deceleration distance plus sufficient vehicle stacking distance. CURRENT lane configuration: 315 feet of dual left-turn lane length, 145 feet of single left-turn lane length and a 150-foot lane transition taper from the through lane to the single left-turn lane. This provides a 150-foot taper. 235 feet of deceleration distance plus 145 feet of stacking distance. 315 feet of dual left-turn lane length. This would result in a 200-foot taper, 235-foot deceleration distance, and 315 feet of dual left-turn lane length.</p>	<p>With the development of Falcon Marketplace, extend the northbound left-turn lane as detailed in column to the left and as shown in Figure 25.</p>	<p>PHASE 1</p>	<p>PLANNED TO BE COMPLETED WITH PHASE 1</p>	<p>Short Term - Falcon Marketplace</p>	<p>By other future developments impacting this turn lane. Potential for fee program credit for improvements completed as this is a regional intersection.</p>
<p>14</p> <p>Meridian northbound dual left-turn lanes. LONG TERM: Potentially, additional growth in the Falcon Arms and east along Falcon Highway will add turning traffic to the intersection. Future improvements may be necessary to maintain 150-foot of stacking distance plus the 235 feet of deceleration distance and the 200-foot taper.</p>	<p>Future (if necessary) -- Add additional lane length beyond #13 to provide additional stacking (when needed) (as shown in Figure 26).</p>	<p>PHASE 1</p>	<p>PLANNED TO BE COMPLETED WITH PHASE 1</p>	<p>Falcon Marketplace</p>	<p></p>
<p>15</p> <p>Directional widening (100' or southbound Woodmen Road upstream of Golden Sage) to accommodate eastbound motorists of the option to enter Falcon Marketplace via the Woodman Frontage Road.</p>	<p>Design and installation with the development of Falcon Marketplace.</p>	<p>PHASE 1</p>	<p>PLANNED TO BE COMPLETED WITH PHASE 1</p>	<p>Falcon Marketplace</p>	<p></p>
<p>16</p> <p>Lengthening of the current eastbound single left-turn deceleration lane on Woodmen Road from 175 feet to 200 feet. This provides a 25-foot taper plus a 175-foot taper plus a 175-foot taper plus a 175-foot taper. 200-foot deceleration distance, and 175 feet of stacking distance. CURRENT: 175-foot taper plus a 175-foot taper plus a 175-foot taper. 200-foot deceleration distance, and 175 feet of stacking distance. SHORT TERM: Adequate stacking is available in the current turn lane -- calculated queue length 141 feet. LONG TERM: Lengthen single left-turn lane and/or future implementation of dual left-turn lanes (if capacity needs dictate) to maintain 200 feet of deceleration length, a 240-foot taper plus a 175-foot taper plus a 175-foot taper. This provides a 240-foot taper plus a 175-foot taper plus a 175-foot taper. This would result in a 200-foot taper, 235-foot deceleration distance, and 315 feet of dual left-turn lane length. If a dual left turn is implemented in the future, consideration will need to be given to the configuration on Golden Sage and at the Golden Sage/Woodmen Frontage Road intersection to receive the dual left-turn movement.</p>	<p>Short Term: The existing lane is adequate based on the above information. Future improvements may be necessary to maintain 150-foot of stacking distance plus the 235 feet of deceleration distance and the 200-foot taper. For additional development served by the north frontage road - extension of existing single left-turn lane and potentially widening in the median to provide dual left-turn lanes to provide additional vehicle stacking distance as described in the column to the left.</p>	<p>PAYMENT WITH DEVELOPMENT PLAN FOR EACH INDIVIDUAL LOT: WITH REGARD TO THE TIMING OF THE IMPROVEMENTS, AS NEEDED TO MAINTAIN ADEQUATE LEVEL OF SERVICE AND VEHICLE STACKING DISTANCE. This is estimated to be when the eastbound left turn during the PM peak. This translates to about 40 vehicles per hour over the estimated short term total volume from Figure 16a of the TIB. Note: Short term total volume assumes the Meridian extension to Highway 24 to be open.</p>	<p>PAYMENT OF PRO RATA SHARE WITH EACH LOT DEVELOPMENT PLAN: The estimated "trigger" of 40 PM peak hour eastbound left turns above the estimated short term total volume (from Figure 16a of the TIB) approximately translates to an additional 400 directional trips on the ITE single family trip ratio. This estimated threshold may be reached with a combination of Marketplace trips and background trips. Falcon Marketplace daily trip to afternoon peak hour trip ratio is about 23:1 but would need to be adjusted for passby trips.</p>	<p>Falcon Marketplace will pay its pro-rata share by (based on total traffic volumes) of the cost of the improvements. The payment amount will be determined on an individual-lot basis in the form of an escrow amount payable at the time of site development plan for each individual lot.</p>	<p></p>
<p>17</p> <p>Southbound exclusive right-turn lane on Golden Sage Road approaching Woodman Road (continuous right-turn lane within the 150 feet between the Woodman Frontage Road and Woodmen Road).</p>	<p>(When needed) to maintain acceptable level of service/traffic operations and/or to control vehicle queues.</p>	<p>PAYMENT WITH DEVELOPMENT PLAN FOR EACH INDIVIDUAL LOT: WITH REGARD TO THE TIMING OF THE IMPROVEMENTS, AS NEEDED TO MAINTAIN ADEQUATE LEVEL OF SERVICE AND VEHICLE STACKING DISTANCE. A preliminary trigger would be a southbound right turn volume of about 150-175 vehicles per hour. This translates to about 5 to 30 vehicles per hour over the projected short term volume from Figure 16a of the TIB. This may be conservative due to the eastbound right turn volume from Figure 16a of the TIB. When needed, consideration will need to be given to the configuration on Golden Sage and at the Golden Sage/Woodmen Frontage Road intersection to receive the dual left-turn movement.</p>	<p>PAYMENT OF PRO RATA SHARE WITH EACH LOT DEVELOPMENT PLAN: The estimated "trigger" of 5-30 AM peak hour southbound right turns above the estimated short term total volume (from Figure 16a of the TIB) approximately translates to an additional 85-510 directional ADT for residential trips making this turning movement (based on the ITE single family trip ratio). This estimated threshold may be reached with a combination of Marketplace daily trip to afternoon peak hour trip ratio is about 23:1 but would need to be adjusted for passby trips.</p>	<p>Falcon Marketplace will pay its pro-rata share by (based on total traffic volumes) of the cost of the improvements. The payment amount will be determined on an individual-lot basis in the form of an escrow amount payable at the time of site development plan for each individual lot.</p>	<p></p>
<p>18</p> <p>Signalization of Golden Sage Road/Woodmen Frontage Road or reconstruction as a median roundabout. Future additional laneage may be necessary at this intersection to accommodate vehicle queues and for traffic operations.</p>	<p>Please refer to the attached sheet.</p>	<p>PHASE 1</p>	<p>PAYMENT OF PRO RATA SIGNAL ESCROW WITH EACH LOT DEVELOPMENT PLAN;</p>	<p>Falcon Marketplace will pay its pro-rata share by (based on total traffic volumes) of the cost of the improvements. The payment amount will be determined on an individual-lot basis in the form of an escrow amount payable at the time of site development plan for each individual lot.</p>	<p></p>

Source: L&C Transportation Consultants, Inc. REV. (7-19-10)

