

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. SF-18-034  
Walden Preserve 2 Filing No. 4**

WHEREAS, Walden Holding I, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Walden Preserve 2 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 January 7, 2020; 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 Walden Preserve 2 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 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 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 prior to recording the final plat.
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. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. 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.

9. 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. 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 find the fee obligation before sale of the property.
10. Fees in lieu of school land dedication in the amount of \$5,520.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of final plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Prior to recording the final plat, the Regional Trail (as described in the Park Lands Agreement recorded at reception number 214022992) shall be constructed in accordance with El Paso County Parks standards for a Regional Trail and accepted by the County or, in the alternative, the Applicant and EPC Parks Division agree to a separate Parks fees or improvements arrangement prior to hearing before the Board of County Commissioners.

**NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections staff and a construction permit is issued by the Planning and Community Development Department.

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 Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Bailey	aye
Commissioner Creely	aye
Commissioner Brittain Jack	aye
Commissioner Lucia-Treese	aye
Commissioner Dillon	aye
Commissioner Trowbridge	aye
Commissioner Fuller	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: January 7, 2020

  
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Brian Risley, Chair

## EXHIBIT A

### WALDEN PRESERVE 2 FILING NO. 4 LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 213109361 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SW1/4 SW1/4) OF SECTION 14, THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SE1/4 SE1/4) OF SECTION 15, THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4 NE1/4) OF SECTION 22 AND THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NW1/4 NW1/4) OF SECTION 23, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF TRACT A, WALDEN PRESERVE 2, FILING NO. 2, AS RECORDED UNDER RECEPTION NO. 215713641 OF SAID COUNTY RECORDS, SAID POINT ALSO BEING THE COMMON SOUTHWESTERLY CORNER OF LOT 9 AND LOT 10, WALDEN PRESERVE FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 205122356 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND RED CAP STAMPED "PLSC RLS 25968", FROM WHICH THE MOST WESTERLY CORNER OF SAID TRACT A, SAID POINT ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WALDEN WAY, AS SHOWN ON THE PLAT OF WALDEN III, AS RECORDED IN PLAT BOOK H-2 AT PAGE 19 UNDER RECEPTION NO. 000417849 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965" BEARS S52°00'21"W (PER SAID PLAT OF WALDEN PRESERVE 2, FILING NO. 2), A DISTANCE OF 1329.52 FEET (OF RECORD) AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S52°00'21"W ALONG THE NORTHWESTERLY LINE OF SAID TRACT A, A DISTANCE OF 1329.52 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 2185.61 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°23'06", AN ARC LENGTH OF 1082.77 FEET (THE LONG CHORD OF WHICH BEARS N41°00'30"W, A LONG CHORD DISTANCE OF 1071.73 FEET) TO AN ANGLE POINT ON THE WESTERLY LINE OF SAID TRACT, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF TRACT 10 OF SAID WALDEN III;  
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID TRACT 10 THE FOLLOWING 2 COURSES;  
1.) THENCE N34°47'06"E, A DISTANCE OF 417.69 FEET;  
2.) THENCE N54°20'22"W, A DISTANCE OF 231.20 FEET;  
THENCE N44°28'12"E, A DISTANCE OF 844.52 FEET;  
THENCE N80°11'30"E ALONG THE SOUTHERLY LINE OF WALDEN III, FILING 3, AS RECORDED IN PLAT BOOK R-2 AT PAGE 49 UNDER RECEPTION NO. 029800707 OF SAID COUNTY RECORDS AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF

516.58 FEET TO THE NORTHWEST CORNER OF SAID WALDEN PRESERVE FILING NO. 1;  
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND THE WESTERLY LINE OF SAID WALDEN PRESERVE FILING NO. 1 THE FOLLOWING TWO (2) COURSES;  
1.) THENCE S20°41'02"E, A DISTANCE OF 442.48 FEET;  
2.) THENCE S30°46'38"E, A DISTANCE OF 866.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 45.27 ACRES OF LAND, MORE OR LESS.