

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR FLYING HORSE NORTH FILING NO. 2 (SF-22-008)

WHEREAS, CHALLENGER HOMES LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Flying Horse North Filing No. 2

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 August 22, 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.

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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 July 17, 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 Flying Horse North Filing No. 2 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 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.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$460 shall be paid at the time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$306 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.

13. Drainage fees in the amount of \$2,295.60 and bridge fees in the amount of \$192.68 for the Black Squirrel Creek drainage basin (FOMO3600) shall be paid to El Paso County at the time of plat recordation. Drainage fees may be offset with pre-credits, to be determined prior to plat recording.
14. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

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 22nd day of August, 2022 at Colorado Springs, Colorado.

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




EXHIBIT A

FLYING HORSE NORTH FILING NO. 2
LEGAL DESCRIPTION:

A PARCEL OF LAND OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A PORTION OF THE SOUTHERLY BOUNDARY OF TRACT J AS PLATTED IN FLYING HORSE NORTH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714238, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH ENDS BY A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "CCES LLC PLS 30118", IS ASSUMED TO BEAR N42°12'07"E, A DISTANCE OF 181.16 FEET.

COMMENCING AT THE SOUTHWESTERLY ANGLE POINT OF TRACT J AS PLATTED IN FLYING HORSE NORTH FILING NO. 1 RECORDED UNDER RECEPTION NO. 218714238, EL PASO COUNTY, COLORADO SAID POINT BEING THE POINT OF BEGINNING.

THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT J THE FOLLOWING TWO (2) COURSES:

1. N42°12'07"E, A DISTANCE OF 181.16 FEET TO A POINT ON CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N45°54'27"E, HAVING A DELTA OF 66°22'12", A RADIUS OF 180.00 FEET AND A DISTANCE OF 208.51 FEET TO A POINT ON CURVE;

THENCE S21°50'10"E, A DISTANCE OF 407.62 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S21°36'10"E, HAVING A DELTA OF 37°09'00", A RADIUS OF 231.00 FEET AND A DISTANCE OF 149.78 FEET TO A POINT OF TANGENT;
THENCE S31°14'50"W, A DISTANCE OF 8.64 FEET;
THENCE N52°59'28"W, A DISTANCE OF 282.69 TO A POINT ON CURVE SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF SAID TRACT J;

THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT J THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N51°42'18"W, HAVING A DELTA OF 78°30'12", A RADIUS OF 60.00 FEET AND A DISTANCE OF 82.21 FEET TO A POINT OF TANGENT;
2. N40°12'30"W, A DISTANCE OF 188.32 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 2.898 ACRES.