

VACATION AND REPLAT (RECOMMEND APPROVAL)

BAILEY moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

WHEREAS, Mason, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) residential lot as two (2) residential lots 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 October 20, 2022; 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.

WHEREAS, Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed... and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a

subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

1. The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The replat is in keeping with the purpose and intent of this Code;
4. The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the vacation and replat of PAWNEE RANCHEROS FILING NO. 2A 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.
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, 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 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. 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 find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$920.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$240.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.
10. Drainage fees in the amount of \$5,071.76 and bridge fees in the amount of \$2,766.13 for the Sand Creek Drainage Basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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.

BRITTAIN-JACK seconded the adoption of the foregoing Resolution.

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

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / <u>absent</u>
Becky Fuller	aye / no / abstain / <u>absent</u>

Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / <u>abstain</u> / absent

The Resolution was adopted by a unanimous vote of 9-0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

EXHIBIT A

LOT 10, PAWNEE RANCHEROS-SUBDIVISION PLAT, A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE PAWNEE RANCHEROS FILING NO. 2 SUBDIVISION PLAT POINT OF BEGINNING (P.O.B), FROM WHENCE THE SOUTH ONE-QUARTER CORNER OF SECTION 4 BEARS S 00°43'30" W A DISTANCE OF 2700.00' FEET; THENCE N 00°43'30" E A DISTANCE OF 1260.00' FEET; THENCE S 89°47'00" W, A DISTANCE OF 1320.76' FEET; THENCE N 00°42'43" E A DISTANCE OF 1128.33' FEET; THENCE N 89°36'02" E A DISTANCE OF 1199.11' FEET TO THE POINT OF BEGINNING (P.O.B). THENCE S 00°18'29", E A DISTANCE OF 536.69 FEET; THENCE N 89°41'31" E, A DISTANCE OF 436.09' FEET; THENCE N 00°18'29" W A DISTANCE OF 536.69' FEET; THENCE S 89°36'02" W, ALONG THE NORTH LINE OF PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 436.09' FEET TO THE POINT OF BEGINNING. CONTAINING 5.37 ACRES, MORE OR LESS.

