

MINOR SUBDIVISION (RECOMMEND APPROVAL)

Schuetzpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS2211
NABULSI-ABUSHABAN SUBDIVISION

WHEREAS, Nabulsi-Abushaban Family Trust did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision for the Nabulsi-Abushaban 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 May 7, 2026; 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. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

6. For the above-stated and other reasons, the proposed Final Plat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended), as follows:

1. The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is in substantial conformance with the approved Preliminary Plan;
3. The Subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. 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)(a)] and the requirements of Chapter 8 of the Code;
5. A public sewage disposal system has been established and, 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;
6. 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)];
7. 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 the Engineering Criteria Manual ("ECM");
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed Subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. 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;

12. 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 SIA so the impacts of the Subdivision will be adequately mitigated;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code;
14. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. §§ 34-1-302(1), et seq.]; and

WHEREAS, 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)(a)] and the requirements of Chapter 8 of the Code;

WHEREAS, this Commission further finds that the proposed Waiver(s) from the Code meet(s) the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Planning Commission recommends that the petition of Nabulsi-Abushaban Family Trust for approval of a Minor Subdivision for the Nabulsi-Abushaban Subdivision meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code and be approved by the Board of County Commissioners 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 Final Plat.

4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. 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.
6. 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.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 13, 2024, as provided by the County Attorney's Office.
8. The applicant shall complete an escrow agreement with El Paso County in the amount of \$10,216 to be applied toward the paving of Old Ranch Road between the subdivision and Black Forest Road.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Drainage Fees in the amount of \$29,017 and bridge fees in the amount of \$2,116 for the Cottonwood Creek basin.
 - b. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,840.00
 - c. Fees in lieu of school land dedication in the amount of \$1,224.00 shall be paid for the benefit of School District #20.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Department of Public Works Inspections and a Construction Permit is issued by the Department of Public Works.
4. 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 No. 25-377), 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.

BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends approval of the following Waivers from the Land Development Code:

WAIVERS

Waiver from Section 8.4.4.C of the Code to allow a private road to be constructed in lieu of a public road.

BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein shall be forwarded to the El Paso County Board of County Commissioners for its consideration.

Trowbridge seconded the adoption of the foregoing Resolution.

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

Blaine Brew	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Michael Brewer	<input checked="" type="radio"/> aye / no / non-voting / recused / <input checked="" type="radio"/> absent
Sarah Brittain Jack	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Jim Byers	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Jay Carlson	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Suzanne Casagrande	aye / no / <input checked="" type="radio"/> non-voting / recused / absent
Maribeth Emrick	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Becky Fuller	aye / no / <input checked="" type="radio"/> non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <input checked="" type="radio"/> absent
Bryce Schuettpelz	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Tim Trowbridge	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Christopher Whitney	<input checked="" type="radio"/> aye / no / non-voting / recused / absent
Jason Wulf	aye / no / <input checked="" type="radio"/> non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 7th day of May 2026 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

The East 990 feet of the South 1155 feet of the Southeast Quarter of Section 19 in Township 12 South, Range 65 West of the 6 th P.M., El Paso County, Colorado, EXCEPT the South 30 feet and the East 30 feet thereof;

Containing 24.796 "net" acres, more or less.