

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- 17-021
Judge Orr Ranchettes Final Plat**

WHEREAS, John and Linda Jennings did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Judge Orr Ranchettes 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 August 6, 2019; 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 Judge Orr Ranchettes 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.
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. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$2,849.00 and urban park (Area 3) fees in the amount of \$0.0 shall be paid at the time of plat recordation.
11. Fees in lieu of school land dedication in the amount of \$1,680.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
12. Lots 3, 4, 5 and 6 shall grant temporary and permanent easements to El Paso Count for the necessary easements to construct the connection between Jae Lynn Drive and Bailiff Drive. Such easements shall be provided to El Paso County upon request and shall be provided at no cost to the County.
13. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATION

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.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Creely	aye
Commissioner Lucia-Treese	aye
Commissioner Dillon	aye
Commissioner Fuller	aye
Commissioner Blea-Nunez	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission,
State of Colorado.

DATED: August 6, 2019



Brian Risley, Chair

EXHIBIT A

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, BOTH OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO EXCEPT THOSE TRACTS OF LAND DESCRIBED IN INSTRUMENTS AT RECEPTION NUMBERS 215067235 AND 216044524, BOTH OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°58'12" E, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 362.17 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 215067235 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE S 43°20'31" E, ALONG THE SOUTHERLY LINE THEREOF, SAID LINE BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF STAPLETON DRIVE, 15.01 FEET; THENCE S 66°01'31" E, ALONG SAID SOUTHERLY LINE, 110.00 FEET; THENCE S 43°33'49" E, (BASIS OF BEARING) ALONG SAID SOUTHERLY LINE, 539.12 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY LINE AND ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1455.00 FEET AND A CENTRAL ANGLE OF 10°34'41", AN ARC DISTANCE OF 268.62 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 33; THENCE N 89°57'45" W, ALONG SAID SOUTHERLY LINE, 347.70 FEET TO THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 00°12'22" E, ALONG THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1968.89 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°57'23" W, ALONG THE SOUTHERLY LINE THEREOF, 656.66 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°17'32" W, ALONG THE WESTERLY LINE THEREOF, 2626.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,771,394 SQUARE FEET (40.6656 ACRES), MORE OF LESS.

EXHIBIT A