

RESOLUTION NO. 24-272

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO, STATE OF COLORADO

**APPROVAL OF FINAL PLAT
RETREAT AT TIMBERRIDGE FILING NO. 4 (SF1827)**

WHEREAS, TimberRidge Development Group, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Retreat at TimberRidge 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 the El Paso County Planning Commission on June 20, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on July 25, 2024; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

Steve Schleiker
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El Paso County, CO



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

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

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. Either 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, or, with respect to applications for administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
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 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; and
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.].

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; and

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Retreat at TimberRidge Filing No. 4 Subdivision;

BE IT FURTHER RESOLVED that 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 Final 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 Final 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. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained through EDARP from the El Paso County Planning and Community Development Department.
6. 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.
7. 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.
8. 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.
9. Park fees in lieu of land dedication for Regional Park Area 2, in the amount of \$5,050.00 shall be paid at the time of Final Plat recordation.
10. Fees in lieu of school land dedication in the amount of \$3,060.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of Final Plat recording.
11. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/5/2024, as provided by the County Attorney's Office.
12. Drainage fees and bridge fees for the Sand Creek drainage basin, in the amount of \$52,966.76 and \$20,110.60 respectively, are due at the time of Final Plat recording. If credits are available or channel improvements are completed or collateralized at the time of Final Plat recording, drainage and bridge fees will be offset accordingly.

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 or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 25th day of July 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____

County Clerk & Recorder



By: _____

Cami Brewer

Chair

EXHIBIT A

A PARCEL OF LAND BEING LOCATED IN A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE WEST END BY A NO. 6 REBAR WITH A 3-1/4" ALUMINUM CAP STAMPED "OLIVER E. WATTS, DO NOT DISTURB, E. 1/16, S21, S28, 2010, SURVEY MARK, PE-LS 9853" FOUND FLUSH WITH GROUND AND MONUMENTED ON THE EAST END BY A NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP STAMPED "T12S 65W, S21 S22, S28 S27, 2006, PLS 10376" FOUND 0.6 FEET BELOW GROUND, AND IS ASSUMED TO BEAR NORTH 89°40'23" EAST A DISTANCE OF 1313.53 FEET.

COMMENCING AT THE SOUTH EAST CORNER OF SAID SECTION 21;

THENCE NORTH 00°19'37" WEST, TO A POINT 40 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 40.00 FEET;

THENCE NORTH 88°38'52" EAST, ON SAID PARALLEL LINE, A DISTANCE OF 477.61 FEET TO THE SOUTHWEST CORNER OF A DOCUMENT, RECORDED FEBRUARY 27, 2018 UNDER RECEPTION NO. 218022138 IN THE RECORDS OF EL PASO COUNTY, COLORADO SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY AND NORTHERLY BOUNDARY LINE THE FOLLOWING (5) COURSES:

- 1) THENCE NORTH 47°35'42" EAST, A DISTANCE OF 44.33 FEET;
- 2) THENCE NORTH 36°59'01" EAST, A DISTANCE OF 517.38 FEET;
- 3) THENCE NORTH 56°32'31" EAST, A DISTANCE OF 489.24 FEET;
- 4) THENCE NORTH 38°17'19" EAST, A DISTANCE OF 182.67 FEET;
- 5) THENCE NORTH 89°41'56" EAST, TO A POINT 30 FEET EAST AND PARALLEL TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,283.66 FEET;

THENCE SOUTH 00°18'04" EAST, ON SAID PARALLEL LINE TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 852.14 FEET;

THENCE SOUTH 88°38'37" WEST, ON SAID SOUTH LINE OF SAID SECTION 22, TO A POINT ON THE EASTERLY BOUNDARY OF THE RETREAT AT TIMBERRIDGE FILING NO. 3 RECORDED __TBD__, 2024 UNDER RECTION NO. __TBD_ IN THE RECORDS OF EL PASO COUNTY, COLORADO A DISTANCE OF 1,300.52 FEET;

THENCE EASTERLY AND NORTHERLY ALONG SAID BOUNDARY LINE THE FOLLOWING TWO (2) COURSES:

- 1) THENCE NORTH 00°54'30" WEST, A DISTANCE OF 40.00 FEET;
- 2) THENCE SOUTH 88°38'55" WEST, A DISTANCE OF 852.90 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 1,501,567 SQUARE FEET (34.47124 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.