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El Paso County, CO

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RESOLUTION NO. 23- 419

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVE MINOR SUBDIVISION FINAL PLAT

BRADLEY POINT FILING NO. 1

WHEREAS, Bradley Point, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Bradley Point Filing No. 1 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 November 16, 2023, 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 December 14, 2023; 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 and the Board of County Commissioners;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission and the Board of County Commissioners;
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;

All exhibits were received into evidence;

4. 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;
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; and
6. 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 Minor Subdivision, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. A sufficient water supply is not being requested in terms of quantity, quality, and dependability for the subdivision proposed.
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 the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].

7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
10. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the 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 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 SIA so the impacts of the subdivision will be adequately mitigated.

16. 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 finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until such time that the applicant requests to utilize the property for uses which use water. At that time, the applicant will be required to provide a subsequent plat amendment including documentation 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 Land Development Code and shall make a request to the Board of County Commissioner for a finding of water sufficiency.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Minor Subdivision Final Plat application for the Bradley Point Filing No. 1 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 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. 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.
4. 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.

5. 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.
  
6. The applicant shall be required to obtain Site Development Plan approval prior to the initiation of any uses on the subject property.

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 of 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.

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

DONE THIS 14th day of December 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_



County Clerk

By: \_\_\_\_\_

Chair

*Cami Brenner*

EXHIBIT A

BRADLEY POINT FILING NO. 1  
FINAL PLAT LEGAL DESCRIPTION

BASIS OF BEARINGS: A PORTION OF THE EASTERLY RIGHT-OF-WAY OF HIGHWAY 85/87 (EAST LAS VEGAS STREET) BEING MONUMENTED AT THE SOUTHEAST WITH A NO. 5 REBAR WITH AN ORANGE PLASTIC CAP STAMPED "PLS 25955" AND AT THE NORTHWEST WITH A NO. 5 REBAR WITH AN ORANGE PLASTIC CAP STAMPED "PLS 25965", AND BEARS N40°50'47"W A DISTANCE OF 486.58 FEET.

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 3, T15S, R66W OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, "ROCKY MOUNTAIN MATERIALS AND ASPHALT EXEMPTION PLAT MAP" AS RECORDED UNDER RECEPTION NO. 211713132 IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N49°09'00"E ALONG THE SOUTHERLY LINE THEREOF 363.30 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;

THENCE S36°35'31"E A DISTANCE OF 762.98 FEET;

THENCE S36°32'54"E A DISTANCE OF 609.95 FEET;

THENCE S48°15'16"W A DISTANCE OF 256.33 FEET TO A POINT ON AFORESAID EASTERLY RIGHT-OF-WAY OF HIGHWAY 85/87;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES;

- 1) THENCE N40°49'47"W A DISTANCE OF 823.77 FEET;
- 2) THENCE N89°57'24"W A DISTANCE OF 6.60 FEET;
- 3) THENCE N40°47'37"W A DISTANCE OF 58.44 FEET;
- 4) THENCE N40°50'47"W A DISTANCE OF 486.58 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 424,094 SQUARE FEET (9.736 ACRES, MORE OR LESS).