

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Curry moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. SP-18-006**

**Winsome Preliminary Plan**

WHEREAS, McCune Ranch, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed Winsome 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 June 4, 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 proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code.
7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.

8. Delayed finding: A finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until the final plat. With each final plat filing the applicant shall submit 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.
9. 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 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 the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
13. 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 encouraging 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.
14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

17. 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.

18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. That 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 a preliminary plan of Winsome Subdivision.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notation(s) be placed upon this approval:

#### **CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
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 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

#### **NOTATIONS**

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
3. The 2016 Major Transportation Corridors Plan Update identifies a 2040 Roadway improvement project along the frontage of Hodgen Road (Project ID U6) from an unimproved County road to a Rural Minor Arterial. The extent of improvements shall be determined with the final plat application.

## **WAIVERS**

The applicant has requested the following waivers of the El Paso County Land Development Code (2019):

- Waiver of Section 8.4.3(C)(2)(e) requiring lots to have direct access from a public roadway. Lots 44 and 92 are proposed to gain access from a shared access agreement instead of direct lot access. The applicant has provided the following justification for the requested waiver:

“The requested waiver will help protect existing topography and natural features by avoiding unnecessary extension of public roads.”
- Waiver of Section 6.3.3(C)(2)(d) requiring a turnaround where a driveway exceeds 300 feet. The driveways that will serve lots 44, 45, 50, 92, and 93 will exceed 300 feet, with the longest being at least 770 feet in length. The applicant has provided the following justification for the requested waiver:

“The requested waiver will help protect existing topography and natural features by not expanding the driveway area more than necessary to provide adequate access.”

Per Section 7.3.3 of the Code:

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

The requested waivers only apply to five of the 144 proposed lots. Falcon Fire Protection Department has provided a letter of approval for the proposed driveways in excess of 300 feet and has not identified it to be a public safety issue. This property is unique in that the property is bisected by a floodplain/natural drainage way and there are undulating hills on the northern

portion of the parcel. The requested waiver meets the criteria in Section 7.3.3 of the Code. Please see the applicant's letter of intent for their stated justification and analysis of the above criteria.

The applicant has requested the following deviations of the El Paso County Engineering Criteria Manual (2016):

- Deviation from the standards of Section 2.3.2 requiring one-quarter mile (1,320 feet) intersection spacing on Hodgen Road which is classified as a rural minor arterial. The applicant has submitted a deviation requesting 780 feet intersection spacing between Early Light Drive and Meridian Road due to topographical constraint. The applicant has cited the varying topography along Hodgen Road as a constraint that would limit sight distances as justification in support of the requested deviation. The deviation request has been approved by County staff, which effectively allows the intersection to be located at the crest of a hill along Hodgen Road where the intersection sight distance can meet criteria.

BE IT FURTHER RESOLVED that the Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners.

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

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

Commissioner Egbert	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Friedman	nay
Commissioner Bailey	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: June 4, 2019

  
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Brian Risley, Chair

## EXHIBIT A

### LEGAL DESCRIPTION:

A PARCEL OF PROPERTY LOCATED IN SECTIONS 13 & 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH P.M. AND IN THE WEST HALF OF THE WEST HALF OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18 AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18 TO BEAR N89°14'45"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N89°14'45"W ALONG SAID SOUTH LINE, A DISTANCE OF 1287.55 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE S00°17'06"W ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 1402.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S00°17'06"W, A DISTANCE OF 3828.66 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 50; THENCE ALONG SAID NORTH RIGHT OF WAY LINE S89°55'06"W, A DISTANCE OF 1174.64 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 24; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE S89°30'15"W, A DISTANCE OF 5238.49 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ALONG SAID WEST LINE, A DISTANCE OF 2596.92 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N00°14'25"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2633.02 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE N00°10'29"E, A DISTANCE OF 1321.95 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'26"E ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1873.37 FEET; THENCE S00°34'43"W, A DISTANCE OF 2706.21 FEET; THENCE S89°15'17"E, A DISTANCE OF 769.17 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 19; THENCE S89°15'18"E, A DISTANCE OF 1158.32 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 766.66 ACRES MORE OR LESS, COUNTY OF EL PASO, STATE OF COLORADO.