

FINAL PLAT (RECOMMEND APPROVAL)

SCHUETTPÉLÉ

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-22-005  
OWL RIDGE MINOR SUBDIVISION

WHEREAS, SMH Consultants did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Owl Ridge Minor Subdivision for the 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 July 6, 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, 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 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;

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; and
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 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 (2022):

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 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 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 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 Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of SMH Consultants for a minor subdivision final plat of the Owl Ridge subdivision be approved by the Board of County Commissioners with the following conditions and notations:

## CONDITIONS

1. 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.
2. 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.
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. 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.
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. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 17, 2023, as provided by the County Attorney's Office.
7. Applicant shall be requirement to participate in the Brown Road Improvement Cost Share Program and contribute \$14,866.31 for one lot in a recorded escrow agreement paid at time of plat recordation. Future subdivisions will also be subject to the escrow requirements.
8. Applicant will be required to submit a shared assess easement and maintenance agreement for a shared driveway from Brown Road and reflect the easement on the plat.

## NOTATIONS

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.

OFFNER seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

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

DONE THIS 6th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair

## EXHIBIT A

Deed Description Recording #219120728, Page 8

Parcel A: A tract of land located in the Southwest one-quarter of the Northwest one-quarter and the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Commencing at the South one-sixteenth corner of said Section and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Section, a distance of 270.00 feet to the point of beginning;

Thence continuing N 00 degrees 27 minutes 26 seconds W along said common line, a distance of 2384.23 feet to the North one-sixteenth corner of said Sections;

Thence N 89 degrees 23 minutes 54 seconds E along the North one-sixteenth line of said Section 7, a distance of 1681.21 feet to the Northwest one-sixteenth corner of Section 7;

Thence S 00 degrees 02 minutes 01 seconds W along the West one-sixteenth line of said Section 7, a distance of 1325.09 feet to the West one-sixteenth corner of said Section 7;

Thence S 00 degrees 02 minutes 13 seconds W along the West one-sixteenth line of said Section 7, a distance of 111.51 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of Southwest one-quarter of said Section 7, a distance of 1608.91 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 944.10 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 60.00 feet to the point of beginning.

Parcel B: A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the South one-sixteenth corner of said Section 7, and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Sections, a distance of 270.00 feet;

Thence N 89 degrees 16 minutes 27 seconds E along a line parallel to the South one-sixteenth line of Section 7, a distance of 807.42 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of Section 7, a distance of 270.00 feet;

Thence S 89 degrees 16 minutes 27 seconds W along the South one-sixteenth line of Section 7, a distance of 807.42 feet to the point of beginning.