

FINAL PLAT (RECOMMEND APPROVAL)

Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2241
RETREAT AT TIMBERRIDGE FILING NO. 3

WHEREAS, TimberRidge Development Group, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Retreat at TimberRidge Filing No. 3 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 November 16, 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.

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 Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition by TimberRidge Development Group, LLC for a final plat of Retreat at TimberRidge be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the Final 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. 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. 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.
10. Park fees in lieu of land dedication for Regional Park Area 2, in the amount of \$15,180.00 and Urban Park Areas 2 and 3 in the amount of \$9,570.00 shall be paid at the time of Final Plat recordation.
11. Fees in lieu of school land dedication in the amount of \$10,098.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of Final Plat recording.
12. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/22/2023, as provided by the County Attorney's Office.
13. All existing access/egress easements depicted on planned public roadways shall be vacated or made to be subservient to the proposed public right of way prior to preliminary road acceptance.
14. Drainage fees and bridge fees for the Sand Creek drainage basin, in the amount of \$138,300.73 and \$63,390.24 respectively, are due at the time of final plat recording. If the channel and bridge improvements are approved as reimbursable items by the Drainage Board in a Drainage Basin Planning Study (DBPS) amendment, then if improvements are completed or collateralized at the time of Final Plat recording, drainage and bridge fees will be offset accordingly.
15. Arroya Lane improvements, including the intersection with Vollmer Road, shall be constructed with this Final Plat development.
16. All engineering documents, reports and plans associated with this Final Plat application shall be approved by the Department of Public Works prior to construction of public improvements and recording of Final 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.
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 this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Whitney 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	aye / no / non-voting / recused / <u>absent</u>
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	<u>aye</u> / no / non-voting / 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 16th day of November 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTION: RETREAT AT TIMBERRIDGE FILING NO. 3

A PARCEL OF LAND BEING A PORTION OF SECTIONS 21, 22, 27 AND 28, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR S89°08'28"W A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING ALSO ON THE SOUTHERLY RIGHT OF WAY LINE OF POCO ROAD AS PLATTED IN RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N09°49'11"E, A DISTANCE OF 2334.95 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, SAID POINT BEING THE NORTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD, A DISTANCE OF 342.36 FEET TO A POINT ON THE SOUTHWESTERLY CORNER OF ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE N89°40'23"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 761.52 FEET TO THE SOUTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING ON THE EAST LINE OF SAID SECTION 28;

THENCE N00°52'58"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE N00°37'14"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 30.00 FEET TO THE NORTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE S89°40'23"W, ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 736.82 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, A DISTANCE OF 113.86 FEET;

THENCE S68°26'02"E, A DISTANCE OF 147.97 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°53'35", A RADIUS OF 560.00 FEET AND A DISTANCE OF 213.98 FEET TO A POINT OF TANGENT;

THENCE N89°40'23"E, A DISTANCE OF 347.83 FEET;
THENCE N88°38'55"E, A DISTANCE OF 1330.86 FEET;
THENCE S00°54'30"E, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE S00°54'30"E, A DISTANCE OF 1447.63 FEET TO THE NORTHEASTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015;

THENCE ON THE NORTHERLY AND EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING SEVEN (7) COURSES:

1. N77°00'00"W, A DISTANCE OF 251.41 FEET;
2. S07°30'00"E, A DISTANCE OF 198.00 FEET TO A POINT ON CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S07°30'00"E, HAVING A DELTA OF 83°24'30", A RADIUS OF 55.00 FEET AND A DISTANCE OF 80.07 FEET TO A POINT OF TANGENT;
4. S00°54'30"E, A DISTANCE OF 28.43 FEET;
5. S89°05'30"W, A DISTANCE OF 150.00 FEET;
6. S05°57'53"W, A DISTANCE OF 241.74 FEET;
7. S19°50'00"W, A DISTANCE OF 225.69 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1;

THENCE ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 THE FOLLOWING TWO (2) COURSES:

1. N71°41'17"W, A DISTANCE OF 83.46 FEET;
2. N53°22'30"W, A DISTANCE OF 243.17 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2;

THENCE ON THE EASTERLY AND NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING TWENTY (20) COURSES:

1. N36°37'30"E, A DISTANCE OF 10.00 FEET;
2. N53°22'30"W, A DISTANCE OF 150.00 FEET;
3. N36°37'30"E, A DISTANCE OF 200.00 FEET;
4. N35°37'50"E, A DISTANCE OF 108.98 FEET;
5. N27°50'00"E, A DISTANCE OF 94.45 FEET;
6. N19°43'22"E, A DISTANCE OF 95.70 FEET;
7. N18°00'00"E, A DISTANCE OF 100.00 FEET;
8. N17°19'01"E, A DISTANCE OF 103.72 FEET;
9. N03°30'00"E, A DISTANCE OF 107.28 FEET;
10. N16°19'41"W, A DISTANCE OF 155.30 FEET;
11. N41°00'00"W, A DISTANCE OF 256.15 FEET;
12. N00°00'00"E, A DISTANCE OF 208.46 FEET;
13. N86°05'18"W, A DISTANCE OF 253.40 FEET;
14. N90°00'00"W, A DISTANCE OF 378.68 FEET;
15. N12°00'00"E, A DISTANCE OF 183.00 FEET;
16. N78°00'00"W, A DISTANCE OF 490.00 FEET;
17. S12°00'00"W, A DISTANCE OF 307.77 FEET TO A POINT ON CURVE;
18. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S68°21'36"W, HAVING A DELTA OF 114°51'36", A RADIUS OF 60.00 FEET AND A DISTANCE OF 120.28 FEET TO A POINT ON CURVE;
19. N46°30'00"W, A DISTANCE OF 243.59 FEET;
20. N68°18'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 44.351 ACRES.

