

FINAL PLAT (RECOMMEND APPROVAL)

Trowbridge moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF-22-006
CITIZEN ON CONSTITUTION SUBDIVISION

WHEREAS, Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Citizen on Constitution 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 17, 2022; 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.

WHEREAS, in 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, Subdivisions, of the El Paso County Land Development Code (2022):

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 this 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 this 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 this 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 this 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 this 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;
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; 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.]
15. 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, Sufficiency: 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 Feathergrass Investments LLC for a final plat of Citizen on Constitution Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

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 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. 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.
4. The applicants shall submit the Mylar to Enumerations for addressing.
5. The 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.

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 ECM Administrator, shall be filed at the time of final plat recordation.
8. Collateral sufficient to ensure completion of the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. The subdivider(s) agrees on behalf of him/herself and any 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 disclose the fee obligation before sale of the property.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Regional park fees (Region 2) in lieu of land dedication in the amount of \$ 103,960 and urban park fees (Urban Area 3) in lieu of land dedication in the amount of \$ 65,540.00 shall be paid at the time of final plat recordation. A park lands agreement shall be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.
12. School fees in lieu of land dedication in the amount of \$29,832.00 to benefit the Falcon School District No. 49 shall be paid at the time of final plat recordation.
13. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
14. Drainage fees in the amount of \$157,278.94 and bridge fees in the amount of \$64,334.83 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

15. A revised geotechnical investigation and geologic hazard evaluation addressing the Colorado Geological Surveys recommendations, the criteria used by the engineer to estimate differential movement at the site shall be sent to Colorado Geological Surveys for review. This may include the rationale for the estimate but must be of sufficient detail (i.e., calculations, methodology, etc.) for others to be able to reach the same conclusion as the engineer on the amount of differential movement expected at the site. If calculations on heave from expansive material and settlement of the fill are comingled to estimate ultimate differential movement, this shall be clearly indicated in the criteria to be reviewed shall be provided prior to the approval of site development plan for any development.
16. A plat disclosure notice shall be depicted on the face of the plat prior to plat recordation stating, "The site is underlain by undocumented fill, that the total differential movement at this site may exceed the engineer's estimates, and that it is unknown when in the future differential movement of the undocumented fill will occur."

NOTATIONS

1. Approval of the final plat will expire after twenty-four (24) months unless the final plat has been recorded or a request for extension has been granted.
2. Final plat requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. 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.

Merriam seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent

Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent
Joshua Patterson	aye / no / abstain / <u>absent</u>
Bryce Schuettpelz	aye / no / abstain / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	<u>aye</u> / no / abstain / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17th day of November 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Brian Risley, Chair

DATED: November 17, 2022

EXHIBIT A

Tract M and N, Urban Collection at Palmer Village, County of El Paso, State of Colorado.

Area of proposed Lot 1: 391,791 Sq. Ft. (8.994 Acres)

Area of proposed Tract A: 37,572 Sq. Ft. (0.863 Acres)

Area of proposed Tract B: 33,849 Sq. Ft. (0.777 Acres)

Area of 20' Public Right-of-Way dedication along Constitution Avenue: 23,593 Sq. Ft. (0.542 Acres)

Area of proposed Akers Drive Right-of-Way: 47,409 Sq. Ft. (1.088 Acres)

Total Area of proposed subdivision: 534,214 Sq. Ft. (12.264 Acres)