

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP-20-004

Pineview Estates

WHEREAS, Jolene Owens did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed High Plains 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 August 19, 2021; 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. Sufficiency: A conditional sufficient water supply has been acquired in terms of quantity, and dependability and water sufficient for water quality 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.
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 Pineview Estates

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, 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. 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 19-471), 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. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.

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 Carlson	aye
Commissioner Risley	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Bailey	aye
Commissioner Blea-Nunez	aye

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

DATED: August 19, 2021



Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

The Southwest Quarter of the Northwest Quarter of Section 13, Township 11 South, Range 64 West, County of El Paso, State of Colorado, more particularly described as follows:

THAT PORTION OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN AS DESCRIBED AS FOLLOWS:

THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, STATE OF COLORADO - EXCLUDING THAT PORTION OF SAID SECTION 13 AS BEING DESCRIBED IN BOOK 6715 AT PAGE 96 THRU PAGE 102 AT RECEPTION NO. 95090782 AND AS DESCRIBED AT RECEPTION NO. 218065458, AS RECORDED IN EL PASO COUNTY, COLORADO.

SAID PARCEL DESCRIBED AS COMMENCING AT THE SURVEY MONUMENTED NORTHWEST CORNER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST, 6TH PRINCIPAL MERIDIAN, SAID SECTION CORNER BEING THE SOUTHWEST CORNER OF "PEYTON PINES SUBDIVISION - FILING #4" AS RECORDED IN PLAT BOOK N3 AT PAGE 120, SHEET 7, EL PASO COUNTY; THENCE S 89°02'04" EAST ON A TRUE NORTH NORTH/MERIDIAN BEARING AS DETERMINED BY SOLAR OBSERVATION 300.00' ALONG THE SECTIONLINE COMMON TO SECTIONS 12 AND 13 TO THE NORTHEAST CORNER OF THAT PORTION (SECTION 13) OF THE PARCEL DESCRIBED IN SAID BOOK 6715 AT PAGE 96, SAID POINT BEING THE TRUE POINT-OF-BEGINNING FOR THE FOLLOWING DESCRIBED REMAINING PORTION OF SAID WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13;

THENCE S 0°39'33" W, 435.60' TO A POINT; THENCE N 89°02'04" W, 300.00 TO A POINT ON THE SECTIONLINE COMMON TO SECTIONS 13 AND 14; THENCE S 0°39'33" W, 2202.71 ALONG SAID SECTIONLINE TO THE SURVEY MONUMENTED WEST QUARTER CORNER OF SAID SECTION 13; THENCE EASTERLY ALONG THE EAST/WEST CENTERLINE OF SAID SECTION 13 AND BEING COMMON TO THE NORTHERLY BOUNDARY OF "PEYTON PINES SUBDIVISION" APPROXIMATELY 1286.16' TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID NORTHWEST QUARTER; THENCE NORTHERLY APPROXIMATELY 2631.43' ALONG THE EASTERLY LINE OF SAID WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13 AND COMMON TO THE WESTERLY LINE OF SAID "PEYTON PINES SUBDIVISION" TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID NORTHWEST QUARTER; THENCE WESTERLY APPROXIMATELY 977.34' ALONG THE SECTIONLINE COMMON TO SECTIONS 12 AND 13 AND ALSO COMMON TO THE SOUTHERLY BOUNDARY OF SAID "PEYTON PINES SUBDIVISION" TO THE TRUE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.