

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-17-011**

WHEREAS, John and Linda Jennings., did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed Judge Orr Ranchettes 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 March 19, 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 High Plains 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. Lots 3, 4, 5 and 6 shall grant temporary and permanent easements necessary to construct the future connection between Jae Lynn Drive and Bailiff Drive at no cost to the County.

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.

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	nay
Commissioner Lucia-Treese	aye
Commissioner Friedman	aye
Commissioner Bailey	aye

The Resolution was adopted by a vote of 6 to 1 by the El Paso County Planning Commission, State of Colorado.

DATED: March 19, 2019



Jim Egbert, Chair

EXHIBIT A

LEGAL DESCRIPTION

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, BOTH OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO EXCEPT THOSE TRACTS OF LAND DESCRIBED IN INSTRUMENTS AT RECEPTION NUMBERS 215067235 AND 216044524, BOTH OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°58'12" E, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 362.17 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 215067235 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE S 43°20'31" E, ALONG THE SOUTHERLY LINE THEREOF, SAID LINE BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF STAPLETON DRIVE, 15.01 FEET; THENCE S 66°01'31" E, ALONG SAID SOUTHERLY LINE, 110.00 FEET; THENCE S 43°33'49" E, (BASIS OF BEARING) ALONG SAID SOUTHERLY LINE, 539.12 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG SAID SOUTHERLY LINE AND ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1455.00 FEET AND A CENTRAL ANGLE OF 10°34'41", AN ARC DISTANCE OF 268.62 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 33; THENCE N 89°57'45" W, ALONG SAID SOUTHERLY LINE, 347.70 FEET TO THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S 00°12'22" E, ALONG THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1968.89 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE S 89°57'23" W, ALONG THE SOUTHERLY LINE THEREOF, 656.66 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°17'32" W, ALONG THE WESTERLY LINE THEREOF, 2626.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,771,394 SQUARE FEET (40.6656 ACRES), MORE OF LESS.