



RESOLUTION NO. 21-248

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR UPLAND FLATS AT WATERMARK FILING NO. 1  
(SF-21-012)

WHEREAS, Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Upland Flats at Watermark Filing No. 1 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 the El Paso County Planning Commission on June 3, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 22, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development 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 Land Development 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. 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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Upland Flats at Watermark Filing No. 1;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

**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 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.
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 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. **Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided following approval of the site development plan and prior to the start of site grading or construction.**
8. **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.**
9. **Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$138,000.00 and for urban parks (Area 3) in the amount of \$87,000.00 shall be paid at the time of plat recordation.**
10. **Fees in lieu of school land dedication in the amount of \$39,600 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.**
11. **The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.**

12. Drainage fees in the amount of \$200,404.21 and bridge fees in the amount of \$81,972.37 for the Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.
13. The Subdivider(s) shall participate in a fair and equitable manner in offsite transportation improvements, specifically the cost of lengthening the eastbound Constitution Avenue left turn lane approaching Akers Drive.
  - a. An escrow agreement for the offsite improvements to Constitution Avenue, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed at the time of final plat recordation.
  - b. A fair share contribution toward the offsite improvements, based on proportional calculated traffic generation shall be deposited by the Subdivider(s) in conjunction with the final plat recordation.

**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 the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Department.
3. A determination will be made to approve or deny the proposed right-in/right-out access upon review of the completed TIS and access permit application to be provided with the subsequent site development plan.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 22<sup>nd</sup> day of June, 2021 at Colorado Springs, Colorado.

ATTEST:

By: \_\_\_\_\_

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: \_\_\_\_\_

Chair

A handwritten signature in black ink, appearing to read 'Stan Vanderkuy', is written over a horizontal line. The signature is cursive and somewhat stylized.

EXHIBIT A

LEGAL DESCRIPTION - UPLAND FLATS BY WATERMARK FILING No. 1

TRACT DD, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, AS  
AMENDED BY AFFIDAVIT OF  
CORRECTION RECORDED JULY 14, 2014 UNDER RECEPTION NO.  
214061663 AND AFFIDAVIT OF  
CLARIFICATIONS RECORDED SEPTEMBER 9, 2014 UNDER RECEPTION  
NO. 214081923, COUNTY OF EL  
PASO, STATE OF COLORADO.