

RECORD OF ADMINISTRATIVE ACTION

APPROVAL OF A FINAL PLAT FOR FOREST LAKES FILING NO. 5 (SF-19-015)

WHEREAS, FLRD NO. 2 LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Forest Lakes Filing No. 5 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, pursuant to § 30-28-133.5 (1.5), C.R.S., a Board of County Commissioners may delegate to one or more County administrative officials the authority to approve or deny final plats, amendments to final plats, and correction plats provided certain criteria have been met; and

WHEREAS, § 2.2.4 of the El Paso County Land Development Code (“Code”), amended by the Board of County Commissioners of El Paso County, Colorado (“Board”) on August 27, 2019 pursuant to Resolution No. 19-329, delegates to the Planning and Community Development Director (“Director”) the authority to approve final plats, vacations, replats, and final plat amendments pursuant to the provisions of the Code; and

WHEREAS, on June 11, 2020, the Director reviewed the studies, reports, plans, designs, documents and other supporting materials submitted with respect to the above application; and

WHEREAS, based on the evidence, exhibits, consideration of the master plan for the unincorporated area of the County, 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, and comments by the general public, the Director finds as follows:

1. The application was properly submitted for consideration by the Planning and Community Development Executive Director.
2. Proper publication, and public notice were provided as required by law for the administrative review of the application by the Planning and Community Development Director.
3. The administrative review of the application by the Planning and Community Development Director was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were provided a fourteen day (14) time period to submit comments.

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4. All exhibits were received into evidence.
5. The subdivision is in 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. At a public hearing on the preliminary plan held on November 5, 2019, the Board found that 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 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 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 Code and Engineering Criteria Manual ("ECM").
12. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to El Paso County in compliance with the Code and the ECM.
13. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
14. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.

15. 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.
16. 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 that the impacts of the subdivision will be adequately mitigated.
17. The subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
19. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

The El Paso County Planning and Community Development Director therefore APPROVES the final plat application for the Forest Lakes Filing No. 5 Subdivision.

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 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. 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 the public improvements as listed in the approved Financial Assurance Estimate shall be provided when 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. 18-471), 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. Urban park fees (Urban Area 1) in lieu of land dedication in the amount of \$9,504.00 shall be paid at the time of final plat recordation. No regional parks fees are due as a result of land being dedicated with this final plat in lieu of such fees.
12. Drainage fees for the Beaver Creek drainage basin in the amount of \$115,426.34 apply at the time of final plat recordation. The developer has established

drainage fee credits in the amount of \$271,388.50. The credits are eligible to be applied towards the fees due.

**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. No school fees are due upon plat recordation pursuant to a previous 10-acre land dedication to benefit Lewis Palmer School District No. 38.

DONE THIS 11th day of June 2020 at Colorado Springs, Colorado.

CRAIG DOSSEY, EXECUTIVE DIRECTOR  
EL PASO COUNTY PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT



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**EXHIBIT A**

**FOREST LAKES FILING NO. 5  
LEGAL DESCRIPTION:**

**A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BASIS OF BEARINGS: A PORTION OF THE NORTHERLY BOUNDARY OF FOREST LAKES FILING NO. 1 RECORDED UNDER RECEPTION NO. 206712407 RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH ENDS BY A NO. 4 REBAR AND RED PLASTIC SURVEYORS CAP STAMPED "ROCKWELL PLS 19586" ASSUMED TO BEAR N89°29'26"E, A DISTANCE OF 3103.31 FEET.**

**COMMENCING AT THE SOUTHWESTERLY CORNER OF FOREST LAKES DRIVE AS PLATTED IN FOREST LAKES FILING NO. 1 RECORDED UNDER RECEPTION NO. 206712407 RECORDS OF EL PASO COUNTY, COLORADO SAID POINT BEING A POINT ON CURVE, SAID POINT ALSO BEING THE POINT OF BEGINNING;**

**THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOREST LAKES DRIVE, THE FOLLOWING (2) TWO COURSES:**

- 1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S16°10'29"W, HAVING A DELTA OF 12°23'40", A RADIUS OF 220.00 FEET AND A DISTANCE OF 47.59 FEET TO A POINT OF REVERSE CURVE;**
- 2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 15°25'25", A RADIUS OF 355.00 FEET AND A DISTANCE OF 95.56 FEET TO A POINT ON CURVE;**

**THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N03°22'58"W, HAVING A DELTA OF 44°10'32", A RADIUS OF 277.00 FEET AND A DISTANCE OF 213.57 FEET TO A POINT OF REVERSE CURVE;**

**THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 00°51'09", A RADIUS OF 223.00 FEET AND A DISTANCE OF 3.32 FEET TO A POINT ON CURVE;**

**THENCE S39°56'26"W, A DISTANCE OF 130.00 FEET;**

**THENCE N80°58'21"W, A DISTANCE OF 65.91 FEET;**

**THENCE N66°55'20"W, A DISTANCE OF 70.00 FEET;**

**THENCE N68°26'22"W, A DISTANCE OF 65.83 FEET;**

**THENCE N78°27'13"W, A DISTANCE OF 63.25 FEET;**

**THENCE N82°34'46"W, A DISTANCE OF 140.00 FEET;**

**THENCE N74°26'58"W, A DISTANCE OF 70.71 FEET;**

**THENCE N82°34'46"W, A DISTANCE OF 140.00 FEET;**

**THENCE N79°22'05"W, A DISTANCE OF 89.26 FEET;**

**THENCE N80°45'58"W, A DISTANCE OF 80.95 FEET;**

**THENCE N72°39'38"W, A DISTANCE OF 87.89 FEET;**

**THENCE N63°44'20"W, A DISTANCE OF 87.89 FEET;**

**THENCE N58°46'47"W, A DISTANCE OF 83.08 FEET;**

THENCE N60°03'46"W, A DISTANCE OF 80.62 FEET;  
THENCE N52°56'16"W, A DISTANCE OF 140.00 FEET;  
THENCE N50°49'54"W, A DISTANCE OF 86.84 FEET;  
THENCE N37°27'32"W, A DISTANCE OF 106.40 FEET;  
THENCE N21°35'34"W, A DISTANCE OF 119.75 FEET TO A POINT ON CURVE THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N15°01'18"W, HAVING A DELTA OF 00°44'01", A RADIUS OF 3045.00 FEET AND A DISTANCE OF 39.13 FEET TO A POINT ON CURVE;  
THENCE N14°17'53"W, A DISTANCE OF 90.00 FEET;  
THENCE N14°22'43"W, A DISTANCE OF 180.00 FEET;  
THENCE N74°54'03"E, A DISTANCE OF 79.46 FEET;  
THENCE N73°15'37"E, A DISTANCE OF 79.43 FEET;  
THENCE N71°35'22"E, A DISTANCE OF 82.41 FEET;  
THENCE S19°15'40"E, A DISTANCE OF 195.00 FEET TO A POINT ON CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N19°15'40"W, HAVING A DELTA OF 05°11'19", A RADIUS OF 2970.00 FEET AND A DISTANCE OF 268.96 FEET TO A POINT OF REVERSE CURVE;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 68°49'01", A RADIUS OF 610.00 FEET AND A DISTANCE OF 732.66 FEET TO A POINT OF REVERSE CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 44°35'14", A RADIUS OF 170.00 FEET AND A DISTANCE OF 132.29 FEET TO A POINT OF TANGENT;  
THENCE N89°46'48"E, A DISTANCE OF 183.07 FEET TO A POINT ON THE BOUNDARY OF SAID FOREST LAKES FILING NO. 1;

THENCE ON SAID BOUNDARY, THE FOLLOWING (8) EIGHT COURSES:

1. CONTINUING N89°46'48"E, A DISTANCE OF 30.97 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 72°40'04", A RADIUS OF 70.00 FEET AND A DISTANCE OF 88.78 FEET TO A POINT OF TANGENT;
3. N17°06'44"E, A DISTANCE OF 29.40 FEET;
4. S72°53'16"E, A DISTANCE OF 60.00 FEET;
5. S17°06'44"W, A DISTANCE OF 29.40 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 46°47'45", A RADIUS OF 130.00 FEET AND A DISTANCE OF 106.18 FEET TO A POINT ON CURVE
7. S26°02'29"E, A DISTANCE OF 239.56 FEET;
8. S16°10'29"W, A DISTANCE OF 383.49 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 24.251 ACRES.