

**STATE OF COLORADO }
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COUNTY OF ELBERT }**

At a meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Thursday, the 7th day of September, 2017, there were present:

Danny Willcox	Chair
Christopher Richardson	Vice Chair
Grant Thayer	Commissioner
Dianna Hiatt	Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit:

**APPROVE
RESOLUTION 17-_____**

FP-16-0005 INDEPENDENCE SUBDIVISION FILING 1 FINAL PLAT. A REQUEST TO APPROVE A FINAL PLAT TO SUBDIVIDE 1011.94 ACRES INTO 328 RESIDENTIAL LOTS, 22 TRACTS, AND RIGHT-OF-WAY IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

WHEREAS, the applicant, Craft Bandera Acquisition Company, LLC, has submitted an application (Case No. FP-16-0005) requesting approval of a final subdivision plat for 328 residential lots, 22 tracts and right-of-way on 1,011.94 acres; and

WHEREAS, the proposed project is located in the west half and the southwest quarter of the southeast quarter of Section 14 and all of Section 15, Township 7 South, Range 65 West of the 6th P.M. in Elbert County; and

WHEREAS, the existing zoning of the site is Planned Unit Development (PUD) under the terms of the Bandera PUD; and

WHEREAS, the Independence Subdivision Filing 1 Final Plat is in conformance with the Independence Subdivision Preliminary Plat, approved by the Board of County Commissioners on September 7, 2017; and

WHEREAS, the Community and Development Services Department and the Planning Commission have made the following Findings related to the application:

- A. The proposal is in general conformance with the Elbert County Master Plan; and
- B. The proposal meets the criteria for approval in the Elbert County Subdivision Regulations; and
- C. The proposal is in conformance with the Elbert County Zoning Regulations and the Bandera

- Planned Unit Development; and
- D. The proposed street and lot configuration is compatible with existing and allowable land uses on the property and in the surrounding area; and
 - E. Any impacts to the health, safety, and welfare of the residents and landowners of the surrounding area caused by the proposal can be mitigated; and

WHEREAS, on June 27, July 11, and July 18, 2017, the Planning Commission held a public hearing on this application. At the hearing there were presentations by Staff and the applicant, and public comment was solicited. On a vote of 7-0, Planning Commission forwarded a recommendation of approval with conditions to the Board of County Commissioners for consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendation of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise;

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve **FP-16-0005 INDEPENDENCE SUBDIVISION FILING 1 FINAL PLAT** with conditions of approval to include:

1. The applicant will be required to remove the Public Hearing signs within seven (7) days of a decision by the Board of County Commissioners; and
2. Prior to recording the final plat, the Independence Preliminary Plat must be approved and any conditions to the preliminary plat shall be met; and
3. The final plat will not become effective until all fees and outstanding costs associated, if any, are paid, conditions of approval are met, and the final plat and any other required documents are recorded; and
4. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
5. Prior to recording the final plat, Elbert County and the developer shall enter into a Subdivision Improvements Agreement; and
6. Prior to recording the final plat, the applicant shall comply with the Division of Water Resources/State Engineer's Office that well permit nos. 84769-A, 122-A, and 14514 are re-permitted pursuant to the augmentation plan approved in case no. 2005CW59 as required in its letter dated April 17, 2017; and

7. The applicant will follow the recommendations and requirements of the Elizabeth Fire Protection District as outlined in the letters dated March 1, 2017 and May 24, 2017 and pay any required fees due to the district; and
8. The applicant shall pay any applicable fees due to the Elizabeth School District C-1; and
9. Prior to construction, the applicant shall follow the recommendations of Colorado Parks and Wildlife in its letter dated May 24, 2017, specifically with regard to pronghorn, burrowing owls, and raptor nests. Specifically, the developer shall follow the Recommended Survey Protocol and Actions To Protect Nesting Burrowing Owls; and
10. Prior to construction, the applicant shall apply to Elbert County Department of Public Works for grading permits and public/private improvements permits; and
11. Prior to approval of a grading permit or public/private improvement permit the applicant shall receive a 404 Permit from the United States Army of Engineers for any disturbance to jurisdictional wetlands; and
12. Prior to construction of the water resource and recovery facilities, the developer shall receive all necessary permits from the Colorado Department of Public Health and Environment and Elbert County, including the Process Design Report; and
13. Prior to obtaining building permits, the developer shall follow the recommendations of the Colorado Geological Survey in its letter dated March 1, 2017.
14. Prior to the issuance of any residential building permits, Developer is required to complete a satisfactory agreement (approval of the Elbert County Attorney) which constitutes an executed contract, the content of such contract between the mineral owner(s) and surface owner(s) of the property located within the Final plat for "Independence" which designates any extraction and/or drilling and completion facilities for minerals to be designated to a 5 acre parcel to be located in the NW quarter of section 14, with the intent of such location being adjacent to the anticipated water treatment facility location as closely as practicable. Building permits shall be withheld until the above agreement is fully executed and recorded.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:


_____ Aye
DANNY WILLCOX, CHAIR


_____ Aye
CHRISTOPHER RICHARDSON, VICE CHAIR


_____ Aye
GRANT THAYER, COMMISSIONER

**ATTEST: DIANNA HIATT
DEPUTY COUNTY CLERK**

BY: 
Deputy Clerk to the Board