

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 **PP-17-0006 INDEPENDENCE SUBDIVISION PRELIMINARY PLAT** with conditions of approval to include:

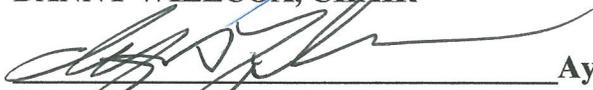
1. The applicant will be required to remove the Public Hearing signs within seven (7) days of a decision by the Board of County Commissioners; and
2. The preliminary plat will not become effective until all fees and outstanding costs associated, if any, are paid, conditions of approval are met, and any required documents are recorded; and
3. Prior to recording any future final plat, Elbert County and the developer shall enter into a Subdivision Improvements Agreement; and
4. Prior to recording any future 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
5. 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
6. 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
7. Final plat must be applied for within one (1) year of approval of the Preliminary Plat by Board of County Commissioners. Filing of the Filing 1 Final Plat in for review constitutes fulfillment of this requirement. Future final plats may be phased and timed as specified in a Subdivision Improvement Agreement; and



8. The preliminary plat shall be modified to remove General Note 24 which states “If right of way for Delbert Road north of the project boundary to Singing Hills Road cannot be obtained Delbert Road will be extended south from County Road 5 to Hilltop Road”; and
9. The applicant shall pay any applicable fees due to the Elizabeth School District C-1 in accordance with Resolution 99-14 and dedicate between 14.7 and 24.7 acres of school property to Elizabeth C-1 School District on a future final plat.
10. 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 Preliminary 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**

