

El Paso Board of County Commissioners, July 3, 10, 24, and 31

Final Forest Lakes plat approved; potential ballot question discussed

By Helen Walklett

At its July 31 meeting, the Board of County Commissioners (BOCC) approved a final plat in the Forest Lakes development. Also during July, the commissioners held an executive session concerning a potential ballot question to voters on excess TABOR revenues and the I-25 gap project.

Forest Lakes Development

At their July 31 meeting, the commissioners approved a request by Forest Lakes Residential Development LLC for approval of a final plat at Forest Lakes Filing No. 4 to create 42 single-family residential lots, four tracts totaling 2.2 acres for open space, landscaping, utilities, public improvements, and drainage, and a further 2.3 acres of right-of-way. The parcel of land totals 11.56 acres, is zoned Planned Unit Development (PUD), and is situated south of Forest Lakes Drive and west of Lakes Edge Drive.

A finding for water sufficiency for water quality, quantity, and dependability was made at the time of the BOCC's approval of the preliminary plan amendment in June 2016. The 42 lots are a portion of the 161 lots approved in the amended preliminary plan. The El Paso County Planning Commission heard the application at its meeting on July 17 and recommended it for approval. See article on

page 16.

The site is currently impacted by an existing Federal Emergency Management Agency (FEMA) floodplain. The plat cannot be recorded until the floodplain designation is removed. The Letter of Map Revision (LOMR) process by which this will be achieved is being processed by FEMA. The LOMR proposes to remove the flood hazard from the platted tracts to allow them to be replatted as buildable lots. The applicant anticipates approval.

Park Lands Agreement

for Forest Lakes Development

At its July 24 meeting, the BOCC approved a Park Lands Agreement between the county, Forest Lakes Residential Development LLC, and Forest Lakes Metropolitan District (FLMD) that relates to the final plat approved on July 31. The owners would normally pay urban park fees of \$11,424 in lieu of land dedication prior to the plat being recorded. However, because the owner has already completed park improvements of substantially greater value, this agreement gives them park fee credits of \$11,424. The county Park Advisory Board unanimously endorsed the agreement at its meeting on June 13.

The improvements, known as Waterfront Park, include a section of regional trail, trailhead parking for the

park and trail, a gazebo, a small amphitheatre, a low-profile playground, a turfed area, seating, and signage.

In January, the BOCC approved a similar agreement that refunded urban park fees of \$11,565 paid at the time of the recording of another final plat in the development in 2017. This refund also related to the work being undertaken at Waterfront Park.

Excess TABOR revenues and the I-25 gap project

The BOCC went into executive session at its July 24 meeting to receive legal advice regarding a potential ballot question to voters in 2018 concerning the use of excess Taxpayer Bill of Rights (TABOR) revenues for the I-25 gap project approved by voters in 2017 and their use in the gap project as currently designed by the Colorado Department of Transportation. The legal advice included the legality and mechanics of a potential question as well as legal impacts, if any, to the project. No official action was taken.

Disbursement of the Black Forest Basin drainage and bridge fund

At its July 10 meeting, the BOCC unanimously approved a resolution to allow disbursement of the Black Forest drainage and bridge fund to GEB Investments Group LLC and Larkspur Properties LLC. As the member entities of Struthers Ranch Development LLC, which was dissolved by the BOCC in October 2007, these two companies were assigned the remaining assets of that development, including credits and/or reimbursements, equally di-

vided between the two. In March 2006, the BOCC had established credits for Struthers Ranch Development LLC within the Black Forest drainage basin for facilities constructed.

On this occasion, each received \$17,397 from the drainage fund. The remaining credit is \$132,341 in the drainage fund and \$377,500 in the bridge fund. The two companies remain first in line to be paid this credit when revenue funds become available.

Other decisions

- July 3—the final release of a check for \$14,516 (plus accrued interest) for grading and erosion control at My Place Hotel at Academy Gateway Filing 1 following completion and inspection of all the public improvements.
- July 10—resolution for approval to enter into an Intergovernmental Agreement with Lewis-Palmer School District 38 for a full-time school resource officer for July 1, 2018 through June 30, 2019. The primary role of the appointee will be to conduct law enforcement and to enhance public relations and educational activities for the school district.
- July 24—resolution to approve a memorandum of agreement and a temporary construction easement agreement associated with the Highway 105 project. The easement is coming from property owned by Stephen and Bridget Marasco for the sum of \$1,750.

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El Paso County Planning Commission, July 17

Flying Horse North and Forest Lakes development plans advance

By Helen Walklett

At its July 17 meeting, the El Paso County Planning Commission recommended approval of a preliminary plan and final plat at Flying Horse North and a final plat at the Forest Lakes development.

Flying Horse North

The Planning Commission recommended for approval an application by PR 2 LLC for a preliminary plan and a first final plat at the Flying Horse North subdivision. The land, totalling 557 acres, is east of Highway 83, south of Hodgen Road, and west of Black Forest Road. The Board of County Commissioners (BOCC) approved a rezoning request from the RR-5 (rural residential) to the PUD (Planned Unit Development) zoning district in December 2016 despite opposition (*see www.ocn.me/v17n1.htm#bocc*).

The preliminary plan is for 283 single-family residential lots and 324.1 acres of open space, which includes a golf course. The final plat is for 80 single-family residential lots and 21 tracts to be used as the golf course, open space, and drainage.

Water supply

A large part of the discussion at the meeting concerned the subdivision's

proposed water supply. Before considering the two applications, the Planning Commission went into executive session at the request of the county Attorney's Office to discuss the water sufficiency requirements and receive legal advice relating to the proposed water supply, sufficiency requirement, and the county's 300-year rule.

The subdivision uses multiple aquifers for its proposed water supply, and a portion of the supply is not owned by the applicant but instead is being leased from the State Board of Land Commissioners. This is unusual, and the applicant has requested a waiver of the requirement that all water be either under the applicant's ownership or that the applicant has the right to acquire the water rights.

When considering any application, the Planning Commission and BOCC need to determine whether water quality, quantity and dependability is sufficient. In this case, Senior Assistant County Attorney Cole Emmons recommended a finding of conditional sufficiency for water dependability and quantity. This was because the annual payments required for the leased water introduce a level of uncertainty, the state's engineer's office had additional



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