

3. The proposal is in conformance with the Elbert County Zoning Regulations and the Bandera Planned Unit Development; and
4. The proposed street and lot configuration is compatible with existing and allowable land uses on the property and in the surrounding area; and
5. The proposed land use will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area,

WHEREAS, on November 16, 2021, the Planning Commission held a public hearing on this application. At the hearing there were presentations by CDS staff and public comment was solicited. On a vote of 5 to 0 for both FP-21-0045 and FP-21-0046, the Planning Commission is forwarding their recommendations to the Board of County Commissioners for their consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations 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-21-0045 & FP-21-0046 INDEPENDENCE FILING 2 & 3** with conditions of approval to include:

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of Adjustments. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Final Plat Exhibit;
2. The Final Plat shall not become effective until all fees are paid, conditions of approval are met, and the Final Plat Exhibit is recorded; and
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.
4. The applicant will follow the recommendations and requirements of the Elizabeth Fire Protection District as outline in the letters dated 6/4/21 and 7/21/21 and pay any required fees due to the district; and
5. The applicant shall pay any applicable fees due to the Elizabeth School District C-1; and
6. 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
7. Prior to construction, the applicant shall apply to Elbert County Department of Public Works for grading permits and public/private improvements permits; and

