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COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission

FROM: Lekishia Bellamy, Planner I
Lupe Packman, EI, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS-20-004
Project Name: Kinch Subdivision
Parcel Number: 6224000011

| OWNER: | REPRESENTATIVE: |
|---|---|
| Paul & Amy Kinch 10805 Milam Rd Colorado Springs CO 80908 | Paul & Amy Kinch 10805 Milam Rd Colorado Springs CO 80908 |

Commissioner District: 1

| | |
|--|-----------------|
| Planning Commission Hearing Date: | 5/4/2023 |
| Board of County Commissioners Hearing Date: | 6/6/2023 |

EXECUTIVE SUMMARY

A request by Paul and Amy Kinch for approval of a Minor Subdivision creating four (4) residential lots. The physical address of this property is 10805 Milam Road. The 29.12-acre property is zoned RR-5 (Rural Residential). The location of this property is north of the intersection at Old North Gate Road and Milam Road. (Parcel No. 6224000011) (Commission District No. 1).

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s):

Authorization to Sign: There are no items requiring signature associated with this request.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

B. APPROVAL CRITERIA

In approving a final plat, the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2022):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
- The subdivision is consistent with the purposes of the Land Development Code ("Code").
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
- 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)(a)] and the requirements of Chapter 8 of the Code.
- A public sewage disposal system has been established and, 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.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open



spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
- 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.
- 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 SIA so the impacts of the subdivision will be adequately mitigated.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

C. LOCATION

| | | |
|--------|--------------------------|------------------------------------|
| North: | RR-5 (Residential Rural) | Single-family detached residential |
| South: | RR-5 (Residential Rural) | Single-family detached residential |
| East: | RR-5 (Residential Rural) | Single-family detached residential |
| West: | RR-5 (Residential Rural) | Single-family detached residential |

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D. BACKGROUND

The current property, located at 10805 Milam Road, is zoned RR-5 (Residential Rural). The property is 29.13 acres and has one primary home built in 1939, currently on well and septic.

E. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2022).

2. Zoning Compliance

The 29.12-acre property is zoned RR-5 (Rural Residential). The Minor Subdivision will divide the current property into four (4) lots. Three (3) lots will be five (5) acres each and one (1) will be 11.12 acres. All the lots will remain zoned RR-5 (Rural Residential). According to the Code, *The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:*

- *Minimum lot size: 5 acres **
- *Minimum width at the front setback line: 200 feet*
- *Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet **
- *Maximum lot coverage: 25 percent*
- *Maximum height: 30 feet*

** If the land to be partitioned, platted, sold, or zoned abuts a section line County Road, the minimum lot area for lots abutting the road shall be 4.75 acres, and the minimum lot width shall be 165 ft.*

**Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

Any future structures built will require site plan review and approval and will need to include confirmation that all site improvements (existing and proposed) comply with the density and dimensional standards included in Chapter 5, as well as any applicable development standards of Chapter 6 of the Land Development Code

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically



consists of single-family homes occupying lots of 2.5 acres or more and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Exhibit # 1

Analysis:

The property is in the Large-Lot Residential place type. According to the Master Plan, the Large-Lot Residential place type *supports the rural character of the County while providing for unique and desirable neighborhoods*. The Single-Family Detached Residential (typically 2.5 acre lots or larger) is consistent with the primary land use within the Large-Lot Residential place type. The following is a relevant goal:



Goal LU1 - *Ensure compatibility with established character and infrastructure capacity.*

The Minor Subdivision is consistent with the identified goals per the El Paso County Master Plan. The proposed Minor Subdivision of the property will maintain the same Large-Lot Place Type Character. The property division will result in three 5-acre lots and one 11.12 Acre lot, which is consistent with the primary land use.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

Exhibit # 2

Analysis:

The proposed Minor Subdivision will provide additional Residential Rural property Consistent with land use objective 3.1. *The property is in an area with minimal change. Development should be consistent with the allowable land uses set forth in the place types first and second to their built-form guidelines.*

c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency



response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.

Analysis:

The proposed Minor Subdivision will support the preservation of the natural landscape and provide low-density development consistent with the area.

d. Housing & Communities: Large-Lot Residential Priority Development Areas

Black Forest is a community with one of the strongest and most well-established characters in El Paso County. This area is built around protecting the forest and preserving its rural quality. Due to this natural amenity, many new residents seek to live in this area when moving to the County.

- Careful planning is required to promote health of natural areas, especially the forest, while accommodating new development for future residents.*
- The County should maintain existing and expand the Large-Lot Residential placetype in this area in a development pattern that matches the existing character of the developed Black Forest community.*
- Commercial nodes should be considered where appropriately served by the transportation network in the northern area to provide commercial goods and services within closer proximity to the population in this area. This would reduce unnecessary travel to other parts of the County and establish key commercial areas within the communities that need them.*

Exhibit # 3

Analysis:

The Black Forest / North Central Area. The proposed Minor Subdivision is in the large-lot residential Priority Development area. The proposed Minor Subdivision

will provide additional Large-Lot Residential lots while maintaining the community's character, consistent with the following goals and objectives:

Goal HC 2- *Preserve the character of rural and environmentally sensitive areas.*

Objective HC 2.7: *Regardless of the place type within which future development is proposed, new development and redevelopment within El Paso County should be designed to incorporate a conservation design approach, where appropriate.*

Objective HC 2.6: *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

Policy 5.2.4 – *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.*

Policy 5.5.1 – *Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.*



Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife were each sent a referral and have the following comments: If any temporary (e.g., construction) or permanent fencing is proposed, CPW recommends that it is the wildlife-friendly fencing that allows young to cross and does not include high-tensile hog wire.

The Master Plan for Mineral Extraction (1996) identifies no significant resources in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The Colorado Geological Survey (CGS) stated (in part):

The Kinch Minor Subdivision site does not contain any geologic hazards or unusual geotechnical constraints that would preclude the proposed 4-lot residential subdivision on 29.12 acres. RMG's report contains good descriptions of surface and



subsurface conditions and makes appropriate recommendations regarding site development. Provided RMG's recommendations are adhered to, CGS has no objection to approval of the subdivision as planned.

The recommendations from RMG include:

Future lot-specific subsurface soil investigations. Site-specific investigations, testing, and analysis are recommended for determining basement feasibility and designing foundations, floor systems, subsurface drainage, pavements, etc.

The Colorado State Forest Service recommends that all forested acres be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in the CSFS "Home Ignition Zone Guide" (formerly known as "Quick Guide FIRE 2012-1: Protecting Your Home From Wildfire") located on the Colorado State Forest Service website. In addition, we recommend that all wildfire mitigation be completed before or during dwelling construction.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood Insurance Rate Map panel number 08041C0526G, dated December 7, 2018.

3. Drainage and Erosion

The property is located in both Kettle Creek (FOMO3000) and Pine Creek Drainage Basin (FOMO2800). Drainage fees will be due at the time of plat recordation for Kettle Creek as it is a studied basin.

No public improvements are required for this project. Water quality and detention facilities are not required due to the nature and size of the lots. The applicant is not proposing to change the natural direction of runoff on the property.

4. Transportation

The subdivision receives access off Milam Road, which is owned and maintained by El Paso County. Access will also be provided via the proposed Kinch Court, which will be dedicated to the County for ownership and maintenance.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.



The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits if not paid at the time of final plat recordation.

H. SERVICES

1. Water

Sufficiency: Supply for the four (4) lots will be met with future or existing wells in the Dawson aquifer. There is an existing well (Permit #14436-F) that is currently drilled into the Dawson formation which will be revised to operate pursuant to the proposed replacement plan. These wells will be drilled, screened, test pumped, and completed in accordance with the Colorado Division of Water Resources rules and regulations.

Quality: The water quality in the Dawson aquifer in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well W0252.2201 Kinch Minor Subdivision Water Resources Report (well permit #14436-F) via an exterior water tap in a cellar before filtering and storage serving the existing residence (10805 Milam Road). Water samples were obtained from this tap on February 10, 2022, with water quality testing performed by Colorado Analytical Laboratories and Hazen Laboratories, per the El Paso County Land Development Code section 8.4.7(B). Final results from this water quality testing were received on March 2, 2022, and all results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Quantity: The subject property has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis.

Dependability: The current water rights and augmentation plan in place are adequate to meet the estimated overall demand and resulting alluvial depletions of 0.38 acre-feet for four (4) lots.

Attorney's summary: Based on the water demand of 1.41 acre-feet/year for the Kinch Minor Subdivision and the Decree and Augmentation Plan withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Kinch Minor Subdivision.

2. Sanitation

Wastewater is provided by Septic system.

3. Emergency Services

The property is within the Black Forest Fire Protection District.



4. Utilities

This area is within Mountain View Electric Association, Inc. certificated area.

5. Metropolitan Districts

The property is not located within the boundaries of a Metropolitan District.

6. Parks/Trails

The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Kinch Minor Subdivision:

(1) Require fees in lieu of land dedication for regional park purposes in the amount of \$1,840 due at the time of recording the final plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$918.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2022) staff recommends the following conditions and notations:

CONDITIONS

1. 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 Division of 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.
2. Future lot-specific subsurface soil investigations. Site-specific investigations, testing, and analysis are required for determining basement feasibility and designing foundations, floor systems, subsurface drainage, pavements, etc.



3. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder 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. 19-471), 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 find the fee obligation before sale of the property.
5. Park fees in lieu of land dedication for regional parks purposes in the amount of \$1840.00 shall be paid at the time of plat recordation.
6. Fees in lieu of school land dedication in the amount of \$918.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated November 2, 2022, provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.

K. PUBLIC COMMENT AND NOTICE

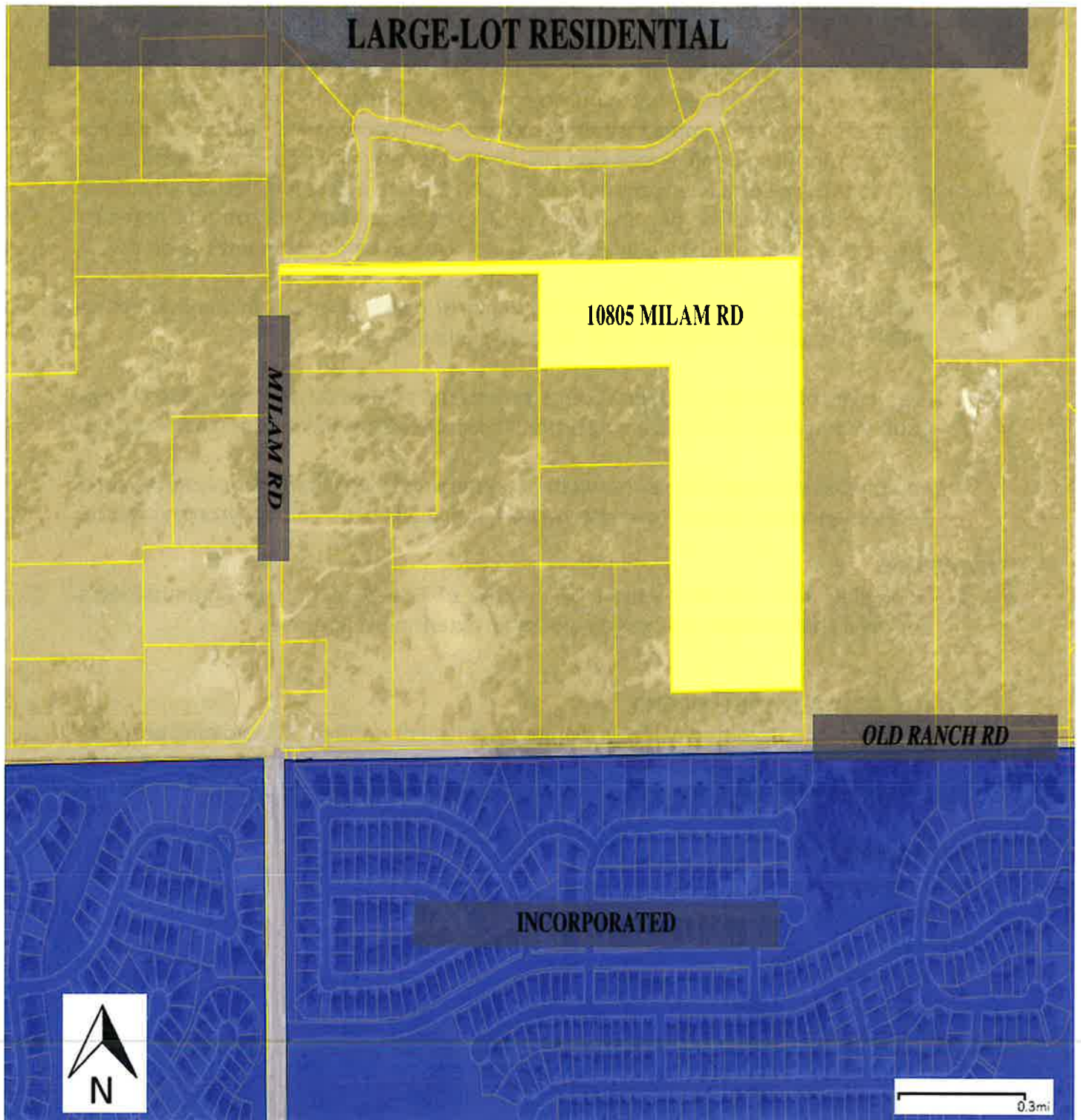
The Planning and Community Development Department notified 27 adjoining property owners on April 17, 2023, for the Planning Commission and Board of County Commissioners meeting. Responses will be provided at the hearing.

L. ATTACHMENTS

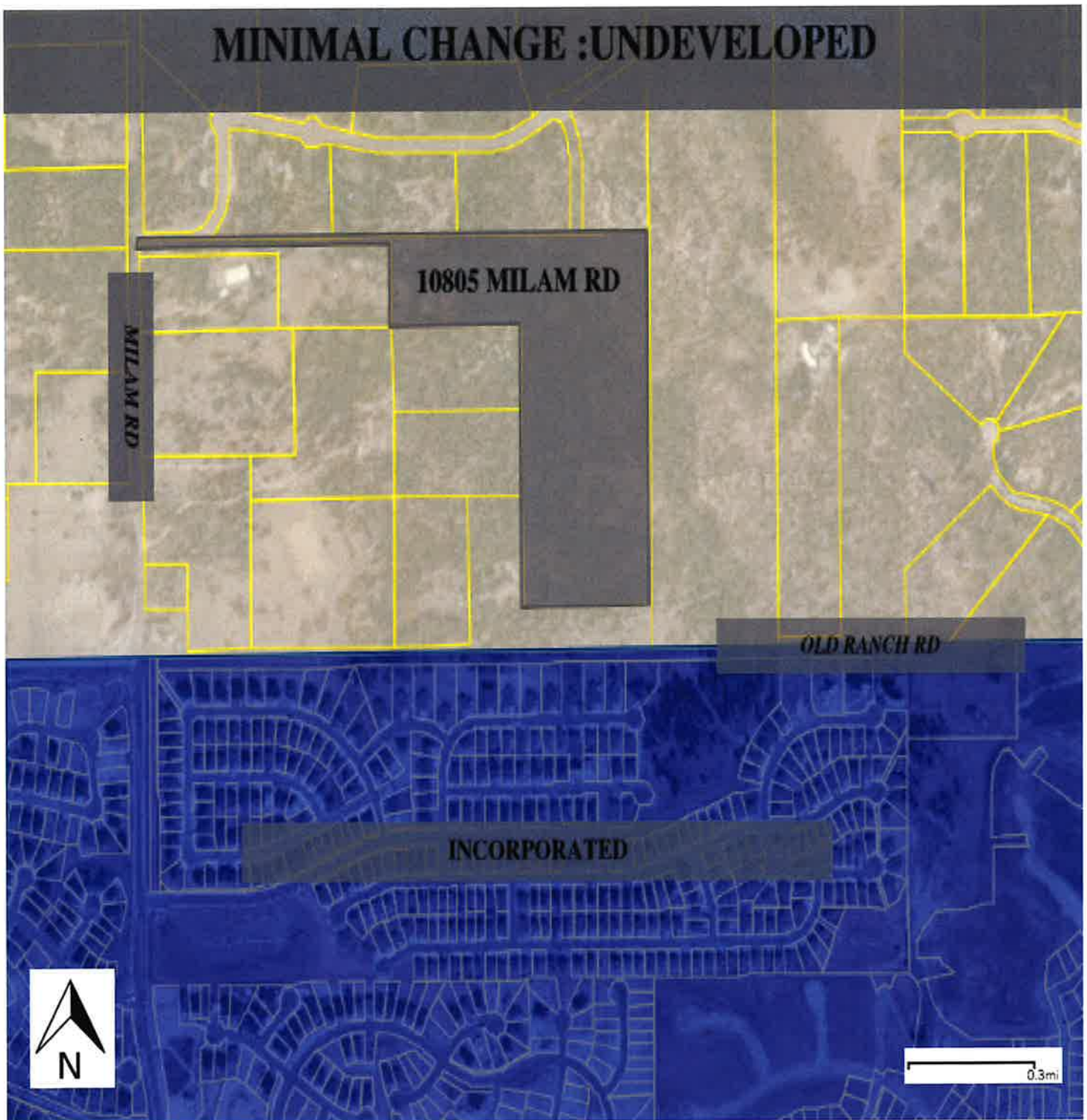
Map Exhibits
Letter of Intent
Plat Drawing
El Paso County Public Health Letter
County Attorney's Letter
Draft Resolution



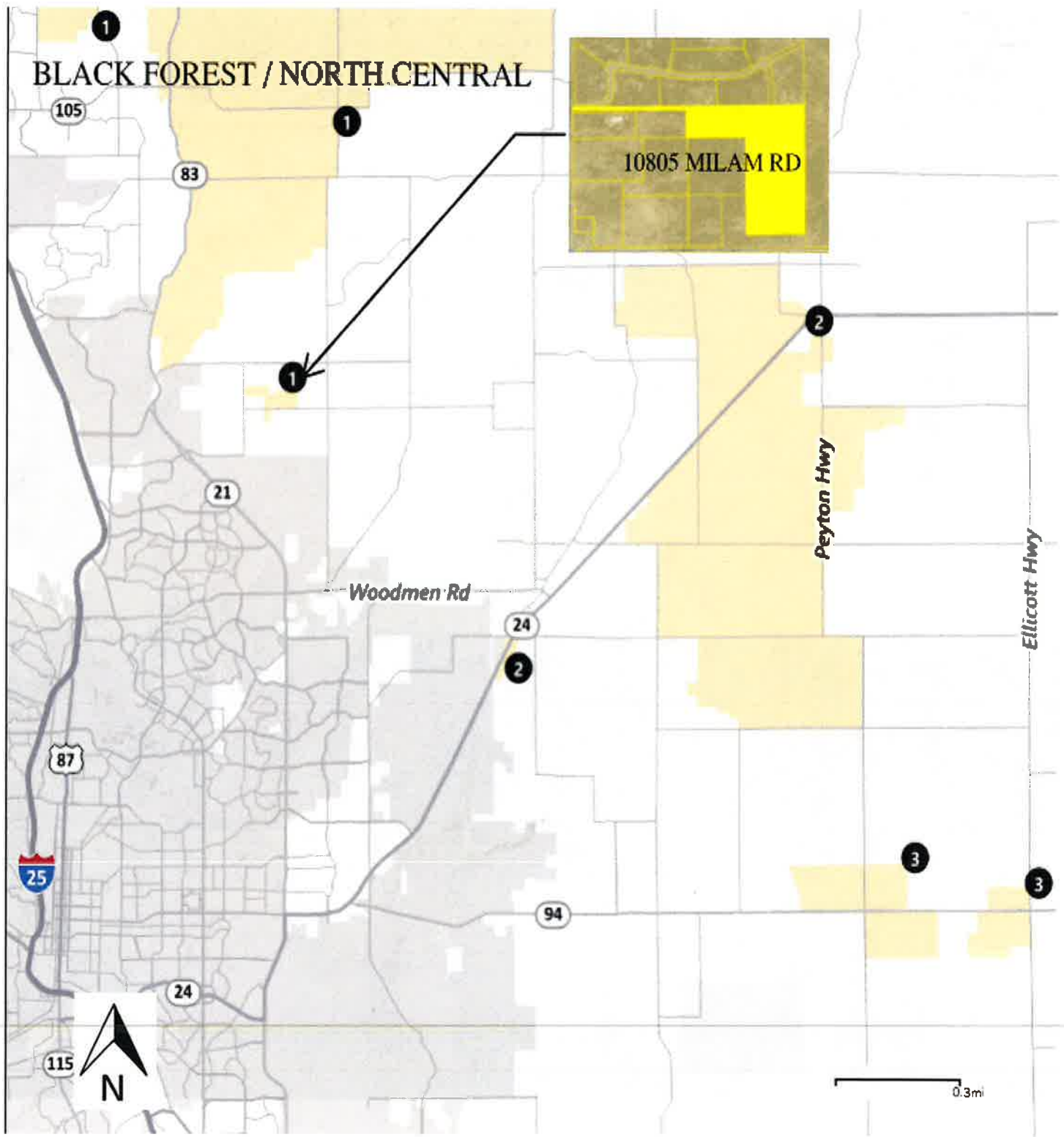
Map Exhibit # 1: Placetype



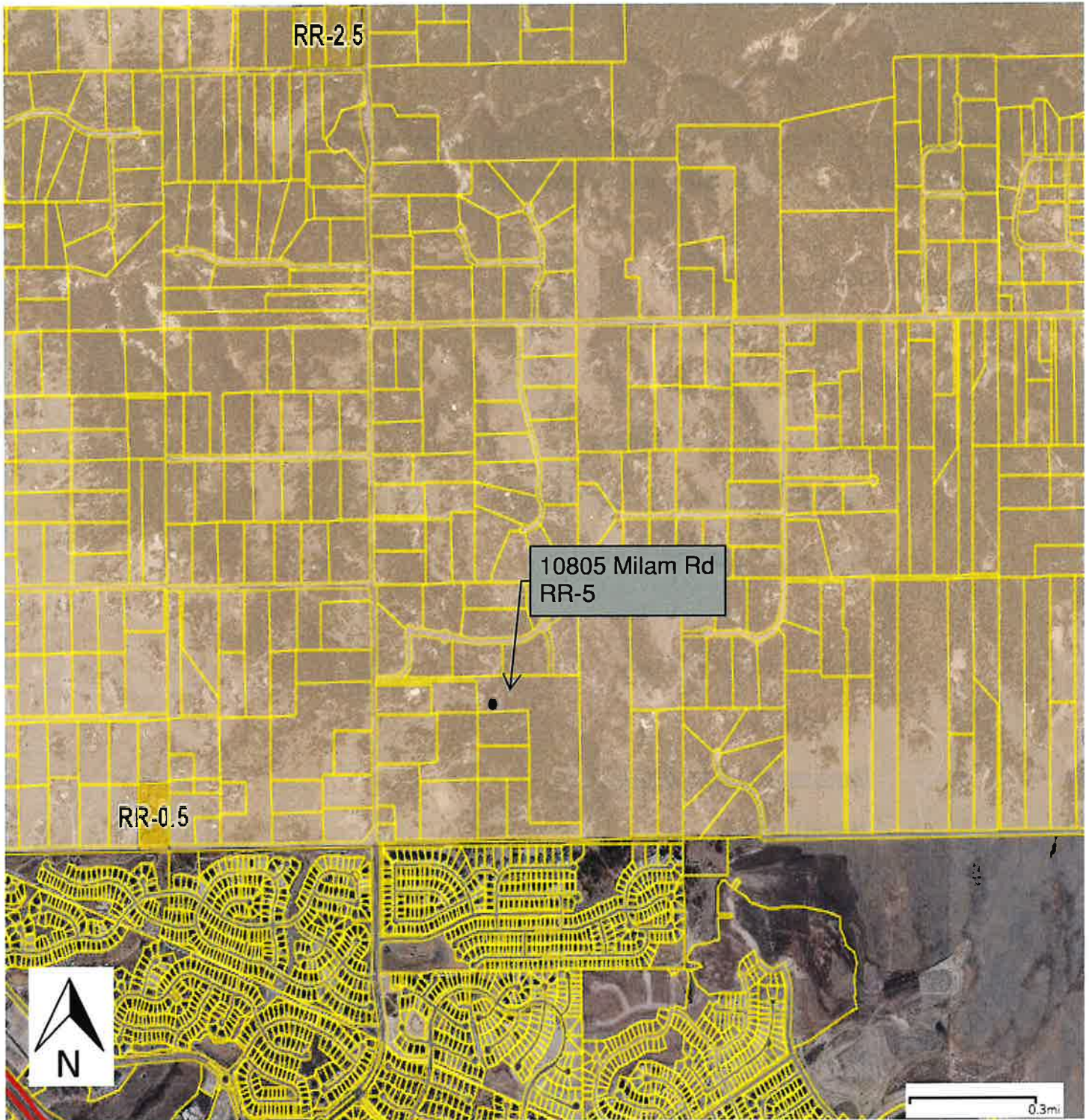
Map Exhibit # 2: Area of Change



Map Exhibit # 3: Priority Development Areas



Map Exhibit # 4: Zoning/Aerial Map



January 30, 2023

KINCH MINOR SUBDIVISION LETTER OF INTENT

To Whom It May Concern:

Please accept this letter of intent on behalf of the Kinch Subdivision submittal. The following information is provided for guidance and understanding.

1. The Kinch Subdivision is owned by:

Paul and Amy Kinch

10805 Milam Rd.

Colorado Springs, CO 80908

His: 719-338-5791 Her: 719-244-4856

panakinch@msn.com

Consultant and Surveyor:

Jerry Hannigan

Hannigan.and.assoc@gmail.com

719-481-8292

Civil Engineer:

John Schwab

john@jpsengr.com

719-477-9429

2. The current property size is 29.12 acres with the physical address of 10805 Milam Rd. Colorado Springs, CO 80908 and is zoned RR-5, which it will remain. The proposed minor subdivision will divide the land into 4 properties: 3 lots of 5.0 acres each and 1 lot of 11.12 acres. The adjoining property to the north is platted as Timber Ridge Estates with 9 lots on 58 acres. Other neighboring properties are likewise generally 5 acres and larger with RR-5 zoning. Access to our Lot 1, which has our current home on it, now comes from Sierra Ridge Trail in Timber Ridge Estates. This access point will remain. Access to the other 3 lots will also be from Sierra Ridge Trail, but at a point near the east end of the subdivision where a right of way has been platted that extends southerly to our north property line. The Tax schedule number is not available at this time but will be in line with other properties in the adjacent area.

3. We are seeking approval to be able to better maximize the use of the land in Black Forest. This will allow us to build a home on the Lot 4, the 11-acre lot. The other lots will be sold at a future date. The lot specifications and sizing are in line with county requirements, no special deviations, setbacks, or allowances will be needed on the lots.

4. Lot 1 is the only lot that has an existing structure, our current home. It is a 2100 sq ft, 4 bedrooms, 2 bath home. The other lots have no structures at this point. The proposed road to access the property will be an entrance from the north with access to Lots 2-4. This road will be a valuable addition to the current Sierra Ridge Estates. There will be three new homes at a point in the future when all the upgrades to the road are finished and individual lots sold.

5. Utilities will be provided by the businesses in the area, letters from sources indicate that there will be no problems supplying the needed utilities for the lots.

6. The Geological Survey report indicated that there are no potential hazards and there would be no constraints or work arounds for the lots or the impending construction of the road on the easement that has already been granted by El Paso County. The traffic survey was deemed unnecessary by the County due to the lack of volume or the amount of vehicle traffic would be a negligible addition to the already used road.

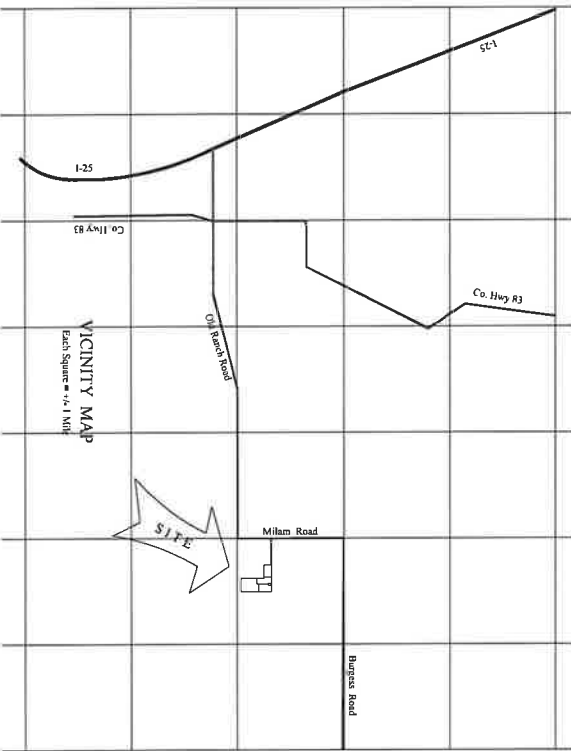
This subdivision is in keeping with the El Paso County Master Plan. Compliance with all requirements and provisions set forth in the plan. It maintains the lot size requirements and complies with usage of available land. All zoning, electrical, utilities, water, fire, and usage have been addressed. This subdivision maximizes and adheres to the Master Plan of El Paso County.

Respectfully Submitted,

Paul and Amy Kinch

KINCH MINOR SUBDIVISION

A Four Lot Minor Subdivision Located in Section 24,
Township 12 South, Range 66 West of the 6th Principal Meridian,
El Paso County, Colorado.



NOTES:

- [illegible]

10) The road impact fee is based on the established rate at the time of building permit application and will be paid by the applicant at that time. The PUD is requested.

- [illegible]

(b.) Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts per Land Use Element Code Section 6.3.C.2 and 6.3.C.3. Due to their length, some

- [illegible]

PROPERTY DESCRIPTION

The East half of the Southeast quarter of the South east quarter, except the South 180 feet thereof. The South half of the South half of the Northeast quarter of the South west quarter and the South 33 feet of the North Half of the South half of the North Half of the Southeast quarter of Section 24, Township 12 South, Range 66 West of the 6th P. M., El Paso County, Colorado.

Containing 29.30 acres, more or less.

OWNERS' CERTIFICATE:

[illegible]

NOTARY CERTIFICATE:
State of Colorado
County of El Paso } SS

The Dedication hereon was acknowledged before me on this _____ day of _____, 2023, by Paul A. Kinch and Amy L. Kinch.

Witness My Hand and Official Seal:

Notary _____ Date: _____

My Commission Expires _____

Dedicated hereby are rights of way for Miami Road, Sierra Ridge Trail and Kinch Court as well as Easements for Utility and Drainage purposes.

DIRECTOR, PLANNING and COMMUNITY DEVELOPMENT:

This plan for Kirch Manor Subdivision was approved for filing by the El Paso County Colorado, Planning and Community Development Director on the _____ day of _____, 2023 subject to any notes or conditions specified hereon: _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plan for Karuk Mutual Subdivision was approved for filing by the El Paso County, Colorado, Board of County Commissioners on the _____ day of _____, 2012, subject to any maps, specifications, terms and any conditions included in the resolution of Approval. The dedications of land to the public for streets and easements are accepted, but public improvements of land will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual and the Subdivision Improvement Agreement.

SURVEYORS' CLERICAL:

J. Jerome W. Flannigan, a duly licensed professional land surveyor in the State of Colorado, so hereby certifies that this plat truly and correctly represents the results of a survey made on June 29, 2002, by me or under my direct supervision and that all measurements were as shown hereon, that mathematical closure errors are less than $1:10,000$, and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivisions or surveying of land; and to the best of my knowledge, all applicable provisions of the El Paso County Land Development Code.

State of Colorado } ss

County of El Paso } ss
I hereby certify that this instrument was filed for record in my office at _____
o'clock _____ on this _____ day of _____, 1923 and was
duly recorded at Reception No. _____ of the records of
El Paso County, Colorado

Chuck Broerman
County Clerk & Recorder

PCD File No. MS-22

| | |
|-------------------------|-------------------------|
| KINCH MINOR SUBDIVISION | TITLE |
| | UNIGAN-ASSOCIATES, INC. |

LAND DEVELOPMENT CONSULTING
19600 SPRING VALLEY ROAD
SECTION 24, T12S, R66W, 6th P.M.
El Paso County, Colorado

Paul and Amy Kinch

| | | | |
|----------|-----|--------------|--------|
| 03-02-21 | Jwh | SHEET 1 OF 2 | 20-007 |
|----------|-----|--------------|--------|

A Four Lot Miner Subdivision Located in Section 24,
Township 12 South, Range 66 West of the 6th Principal Meridian,
El Paso County, Colorado.

EXISTING TIMBER RIDGE ESTATES

[illegible]

NOTE: All 50 cements are manufactured with set flash with the surface without any lacquered.

NOTE: All hot tapping are subject to change without notice. All hot tapping are subject to change without notice.

SW Corner Section 24
Fossil 2-1/4" Altrilobus Cap
LS 10177 per Mowatelli
Record on file.

05-06-22 Per Planning
10-11-22 Drainage Easement

LIANNIGAN + ASSOCIATES, INC.
LAND SURVEYING • LAND PLANNING
LAND DEVELOPMENT CONSULTING

KINCH MINOR SUBDIVISION
Section 24, T 12 S, R 66 W, 6th P.M.
El Paso County, Colorado

Paul & Amy Kinch

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No Mrs



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Kinch Subdivision, MS-20-4

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- **The existing 29-acre developed lot is proposed to have one developed 5.74-acre lot, 2 5.03-acre undeveloped lots, and 1 11.12-acre undeveloped lot. The 3 proposed undeveloped lots will be served water from private wells, and new onsite wastewater treatment systems (OWTS) are proposed for wastewater service.**
- **There is a finding for sufficiency in terms of water quality based on the results of the water quality analytical results reported by both Colorado Analytical Laboratories, Inc., on 11Feb2022, and the Hazen Laboratories report dated 10Feb2022.**
- **The 4Feb2021, Soil and Geology Study completed by RMG Engineers supports the use of OWTS's for the development. The soils reports submitted on 24November2020 by Geoquest, LLC, also indicated there was shallow sandstone bedrock found in each of the test pits and will professional engineer designs systems will be required if the systems are installed in the test pit areas. There may be more suitable areas on each lot for conventional OWTS installations.**
 - **The proposed 3 new lots require full compliance with the El Paso County Board of Health Regulations, Chapter 8, Onsite Wastewater Treatment Systems.**
 - **The existing OWTS on Lot 1 must meet all the required setbacks from the proposed new lot lines.**
- **Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.**

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
10March2023 (Revised)



County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
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Colorado Springs, CO 80903
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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

November 2, 2022

MS-20-4 Kinch Subdivision
Minor Subdivision

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Wilie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a minor subdivision proposal by Paul and Amy Kinch ("Applicants") for a 4-lot subdivision on a parcel of 29.12 acres of land (the "property"). There is an existing residence and existing well on the property which will continue to be utilized (Lot 1). Applicant also intends to construct a guest house on Lot 1. The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand for the subdivision is 1.41 acre-feet/year, comprised of 0.26 acre-feet/year for 4 single-family dwellings, 0.20 acre-feet/year for a guest house, and 0.17 acre-feet/year for irrigation. Based on this total demand, Applicant must be able to provide a supply of 423 acre-feet of water (1.41 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from individual on-lot wells in the not nontributary Dawson aquifer as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Division 2 Case No. 20CW3068 ("Case No. 20CW3068", "Decree" or "Augmentation Plan"). The Decree was granted to Paul and Amy Kinch and recorded on October 18, 2021.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

The Decree adjudicated 437 acre-feet of Dawson-aquifer water underlying the 29.12-acre property.¹ The Augmentation Plan provides that 0.51 acre-feet/year may be pumped from Kinch Well No. 1 (an existing well). A total of 0.30 acre-feet/year may be pumped from each of Kinch Well Nos. 2 through 4 (yet to be constructed). A maximum of 1.41 acre-feet may be withdrawn from the Dawson aquifer per year. The Decree notes the beneficial uses on the property are: “domestic, irrigation, stock water, fire protection, and also for storage and augmentation.”

State Engineer’s Office Opinion

4. In a letter dated April 13, 2022, the State Engineer stated that the estimated water requirements are 1.41 acre-feet/year and that the Case No. 20CW3068 permits Kinch Well No. 1 to pump 0.51 acre-feet/year and Kinch Well Nos. 2 through 4 to pump 0.30 acre-feet/year. The State Engineer notes that there is an existing well on the parcel identified as Well permit No. 276175-A which is an exempt well. They note that “[t]he applicant should be expected to re-permit this well pursuant to case no. 2020CW3068 and 37-90-137(4) as a non-exempt well for use in this subdivision.” Further, the State Engineer states that the “annual estimated demand, for the entire subdivision, is a maximum of 1.41 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.”

Finally, the State Engineer provided their opinion that “pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation ...” And finally, “[o]ur opinion that the water supply is adequate is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.”

Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for the Kinch Minor Subdivision is 1.41 acre-feet per year for a total demand of 423 acre-feet for the subdivision for 300 years. The Decree and Augmentation Plan in Case No. 20CW3068 permits withdrawal of 1.41 acre-feet/year (423 acre-feet total) of Dawson aquifer water for a period of 300 years.

Based on the water demand of 1.41 acre-feet/year for the Kinch Minor Subdivision and Case No. 20CW3068 permitting withdrawals in that amount, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Kinch Minor Subdivision.

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

¹ Note: The Decree also adjudicated water in the following aquifers: Denver (40.5 acre-feet), Arapahoe (468 acre-feet), and Laramie-Fox Hills (830 acre-feet).

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* from JDS-Hydro Consultants, Inc. dated March 2022, including the Water Supply Information Summary included in the *Report*, the State Engineer's Office Opinion dated April 13, 2022, and Decree and Augmentation Plan in Case No. 20CW3068 filed on September 14, 2021 and recorded on October 18, 2021. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Decree and Augmentation Plan in Case No. 20CW3068, specifically, that water use shall not exceed 1.41 acre-feet annually for the 4-lot subdivision for a period of 300 years. Stream depletions shall be replaced by residential return flows from non-evaporative septic systems.

B. The County requires that when there is an augmentation plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans for the property.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of the Decree and Augmentation Plan in Case No. 20CW3068.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 423 acre-feet of Dawson aquifer water and 373 acre-feet of Laramie – Fox Hills water pursuant to Case No. 20CW3068 to satisfy El Paso County's 300-year water supply requirement for the 4 lots of the Kinch Minor Subdivision. The covenants shall further identify that 153 acre-feet of Dawson aquifer water is reserved to Lot 4 and that 90 acre-feet of Dawson aquifer water is reserved to each of Lots 1-3. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply. The Covenants must also reserve 373 acre-feet in the nontributary Laramie-Fox Hills aquifer groundwater decreed herein to replace post-pumping depletions.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, lot owners, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to

replace depletions during pumping and the cost of drilling Laramie – Fox Hills aquifer wells in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that two lots in the subdivision have an occupied single-family dwelling, or that Lot 4 have both an occupied single-family dwelling and a guest house, that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: “Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.”

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

“The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Case No. 20CW3068 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision, and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson and Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall Require that well permits be obtained pursuant to the requirements of Case No. 20CW3068 and C.R.S. § 37-90-137(4) and (10).

7) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Kinch Minor Subdivision pursuant to Case No. 20CW3068. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the Division 2 Water Court approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication.”

8) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of Case No. 20CW3068 are also terminated by the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Dawson aquifer water in the decreed amount of 153 AF/year for Lot 4 and 90 AF/year for each of Lots 1-3. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Kinch Minor Subdivision. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

F. 373 acre-feet of water in the Laramie – Fox Hills aquifer reserved pursuant to Case No. 20CW3068 shall be conveyed to the HOA for use in the augmentation plan to replace post-pumping depletions. Pursuant to the augmentation plan, Applicant shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for augmentation supply.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Case No. 20CW3068 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, Case No. 20CW3068, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. Prior to recording the final plat, Applicant shall:

1) upload the updated WSIS to eDARP that matches the document provided in the *Water Resources Report*.

2) re-permit Well permit no. 276175-A and upload the new permit into eDARP.

J. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Kylie Bagley, Project Manager, Planner II

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-20-004

KINCH SUBDIVISION

WHEREAS, Paul & Amy Kinch did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Kinch Subdivision for the 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, a public hearing was held by this Commission on May 4, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and 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, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a minor subdivision, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2022):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. 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)(a)] and the requirements of Chapter 8 of the Code.
5. A public sewage disposal system has been established and, 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.
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.

10. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. 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.
15. 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 SIA so the impacts of the subdivision will be adequately mitigated.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, 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)(a)] and the requirements of Chapter 8 of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Paul & Amy Kinch for a minor subdivision final plat of the Kinch subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. 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 Division of 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.
2. Future lot-specific subsurface soil investigations. Site-specific investigations, testing, and analysis are required for determining basement feasibility and designing foundations, floor systems, subsurface drainage, pavements, etc.
3. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder 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. 19-471), 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 find the fee obligation before sale of the property.
5. Park fees in lieu of land dedication for regional parks purposes in the amount of \$1840.00 shall be paid at the time of plat recordation.
6. Fees in lieu of school land dedication in the amount of \$918.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated November 2, 2022, provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

| | |
|---------------------|-----------------------------|
| Thomas Bailey | aye / no / abstain / absent |
| Sarah Brittain Jack | aye / no / abstain / absent |
| Jay Carlson | aye / no / abstain / absent |
| Becky Fuller | aye / no / abstain / absent |
| Brandy Merriam | aye / no / abstain / absent |
| Eric Moraes | aye / no / abstain / absent |
| Kara Offner | aye / no / abstain / absent |
| Joshua Patterson | aye / no / abstain / absent |
| Bryce Schuettpelz | aye / no / abstain / absent |
| Tim Trowbridge | aye / no / abstain / absent |
| Christopher Whitney | aye / no / abstain / absent |

The Resolution was adopted by a vote of to by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 4th day of May 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Vice-Chair

DATED: May 4, 2023

EXHIBIT A

TRACT IN SW4 SEC 24-12-66 AS FOLS, BEG AT SE COR OF SW4, TH N ALG E LN THEREOF 180 FT FOR POB, TH W AT R/A 660 FT, N AT R/A 1143 FT, W AT R/A 670 FT, N AT R/A 330 FT, W AT R/A 1280 FT, N AT R/A 33.00 FT, E AT R/A 2610 FT, TH S 1503 FT TO POB

