

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

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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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 8/1/2023
RE: MS-22-005; Owl Ridge Minor Subdivision

Project Description

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two (2) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road, adjacent to the intersection of Brown Road and Running Horse View.

Notation

Please see the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Mr. Schuettepelz moved / Ms. Offner seconded to recommend approval for Owl Ridge Minor Subdivision utilizing the resolution attached to the staff report with eight (8) conditions, one (1) notation, and one (1) waiver, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a consent agenda item.

Discussion

The item was approved on the consent agenda, no discussion took place.

Attachments

1. Planning Commission Minutes from 7/6/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, July 6th, 2023

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, KARA OFFNER, BRYCE SCHUETTEL, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JEFFREY MARKEWICH AND WAYNE SMITH.

PC MEMBERS ABSENT: BRANDY MERRIAM, ERIC MORAES, AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, ASHLYN MATHY, KYLIE BAGLEY, ED SCHOENHEIT, JEFF RICE, GILBERT LAFORCE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: BRETT LOUK, TIM MURPHY, ERIN DURAN, SARAH COLE, HILARY BRENDEMUHL, AND BILL BRENDEMUHL.

1. REPORT ITEMS – The next PC Hearing is Thursday, July 20th, 2023, at 9:00 A.M.

Ms. Herington updated the PC of the revised public notice procedures. Notifications will now be sent to property owners within 500 feet and will be sent after the submittal of the application. This will result in the information being more accessible to the public. Certified bulk mailing certificates will replace the certified mailing (green card) requirement. She also advised the board that Mr. Gilbert LaForce was promoted to EPC Public Works Engineering Manager.

Mr. Whitney asked for clarification on certified bulk mailing certificates.

Ms. Herington explained that the USPS certifies how many letters were sent in a bulk mailing. The applicant will submit a list of who the letters were sent to.

Mr. Kilgore advised the board that the applicant for agenda item 3D, VR-21-014, has requested a continuance. Also, the advertisement for PC vacancies closes 7/12/2023.

2. **Call for public comment for items not on hearing agenda** – NONE.

3. **CONSENT ITEMS**

A. **Adoption of Minutes** of meeting held June 15th, 2023.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).

B. **VR-22-013**

MATHY

**VACATION AND REPLAT
1384 BUCKWOOD LANE**

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

PC ACTION: ITEM 3B WAS PULLED TO THE CALLED-UP CONSENT CALENDAR (MOVED TO AGENDA ITEM 4).

C. **CR-22-001**

BAGLEY

**MAP AMENDMENT (REZONE)
11745 OWL PLACE COMMERCIAL REZONE**

A request by Baseline Engineering for approval of a Map Amendment (Rezone) of 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel No. 5301001015) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER CR-22-001, FOR A MAP AMENDMENT (REZONE), 11745 OWL PLACE COMMERCIAL REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

D. **VR-21-014**

BAGLEY

**VACATION AND REPLAT
VILLA CASITAS FILING NO. 4**

A request by Jesus Barron for approval of a 5.80-acre Vacation and Replat illustrating a vacation of one single-family residential lot and platting into one (1) single-family lot which will include a portion of County right-of-way. The property is zoned RR-5 (Residential Rural), and is located at 10015 Calle Bernardo Point, directly south of the intersection of Calle Bernardo Point and La Piedra Point. (Parcel No. 5735004001) (Commissioner District No. 4).

THE APPLICANT REQUESTED A CONTINUANCE. NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO CONTINUE CONSENT ITEM NUMBER 3D, FILE NUMBER VR-21-014, FOR VACATION AND REPLAT, VILLA CASITAS FILING NO. 4, TO A DATE CERTAIN OF JULY 20, 2023. THE MOTION WAS APPROVED (7-0).

E. MS-22-008

BAGLEY

**MINOR SUBDIVISION
IVILO MINOR SUBDIVISION**

A request by Pawel Posorski for approval of a 14-acre Minor Subdivision illustrating three (3) single-family lots. The property is zoned RR-2.5 (Residential Rural) and is located 0.37 miles west of the intersection of Vessey Road and Black Forest Road and 0.15 miles south of the intersection of Vessey Road and Pine Castle Drive. (Parcel No. 5206000065) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER MS-22-008, FOR A MINOR SUBDIVISION, IVILO MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

F. MS-22-005

BAGLEY

**MINOR SUBDIVISION
OWL RIDGE MINOR SUBDIVISION**

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two (2) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road, adjacent to the intersection of Brown Road and Running Horse View. (Parcel No. 5100000447) (Commissioner District No. 1).

DISCUSSION

Ms. Fuller asked how the shape of this property came to be.

Mr. Brett Louk, with SMH Consultants, answered that when the current owner bought the land, the shape was already established. His parents own the adjacent lot to the east. The flag on the west side is a driveway to his parents' house.

PC ACTION: SCHUETTELZ MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER MS-22-005 FOR A MINOR SUBDIVISION, OWL RIDGE MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

G. SF-22-009

HOWSER

**FINAL PLAT
WINSOME FILING NO. 3**

A request by Winsome, LLC, for approval of a Final Plat to create thirty-eight (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road. (Parcel Nos. 5124000003, 5124000004, 5100000524, and 5100000526) (Commissioner District No. 1).

DISCUSSION

Mr. Whitney stated his concern regarding the water finding. The State Engineer stated there is an adequate water sufficiency but also stated that it's unknown how long the water will be in the Denver Basin. Therefore, they suggested that the County might want to consider requiring the applicant to provide a permanent water supply for whenever that may be. Ms. Seago's office correctly relies in part on the finding of the State Engineer to determine water sufficiency, but then there's a plat note that essentially says, "but don't count your chickens" because if the water isn't there, they reserve the right to amend or withdraw the recommendation of sufficiency. It's there today but it may not be there tomorrow. He finds this concerning, but he's not sure what the answer may be.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3G, FILE NUMBER SF-22-009 FOR A FINAL PLAT, WINSOME FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

H. SF-22-039

HOWSER

**FINAL PLAT
TERRA RIDGE NORTH**

A request by Phillip S. Miles and Jennifer Miles for approval of a Minor Final Plat to create eleven (11) single-family residential lots and to replat two (2) existing single-family residential lots to accommodate the dedication of land for right-of-way. The 39.72-acre property is zoned RR-5 and RR-2.5 and is located approximately three-quarters of a mile south of the intersection of Black Forest Road and Hodgen Road. (Parcel Nos. 5129300002, 5129302011, and 5129302012) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3H, FILE NUMBER SF-22-039, FOR A FINAL PLAT, TERRA RIDGE NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

4. CALLED-UP CONSENT ITEMS

3B. VR-22-013

MATHY

VACATION AND REPLT 1384 BUCKWOOD LANE

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

STAFF & APPLICANT PRESENTATIONS

Mr. Bailey reiterated that the Criteria of Approval from the LDC is what the PC uses to make a recommendation to the BOCC. The presentation continued.

Mr. Whitney asked the applicant if they anticipated any issues with the concerns submitted by CPW regarding fencing and the removal of trees.

Mr. Tim Murphy, owner/applicant, replied that he met with CPW last week and they discussed the removal of dead trees. There were also fences on the property that needed to be removed due to non-compliance with Woodmoor. That has all been cleaned up.

Mr. Schuettepelz mentioned that this property consisted of 4 lots previously. He asked if Mr. Murphy's proposal was identical to the way the property looked in 2010?

Mr. Murphy confirmed. It will look like it did in 2010 and 1963.

PUBLIC COMMENT

Ms. Erin Duran stated she would be addressing Criteria of Approval numbers 1, 3, 6, and 7. She lives adjacent to the subject property. When making her purchase, she was told by a realtor that the area was not a vacant lot to be developed. She stated that she and other neighbors requested Woodmoor Improvement Association (WIA) and the Architectural Control Committee (ACC) deny this proposal, but they did not. She thinks WIA would not deny the request because the BOCC makes the ultimate decision. When she and others moved into the neighborhood, the subject property was a single lot. She sees wildlife on the property. She stated that geological hazards, traffic and congestion, and soils and drainage were all cited as concerns during the application review process. She stated those concerns were also mentioned in 2010 when it was merged.

Ms. Sarah Cole, on the phone, lives adjacent to the subject property. She stated that the sliver of land added to "Lot 4A" was from their property. She has documents from that application process, which happened in 2010. The previous owner listed concerns from the Tri-Lakes Comprehensive Plan: erosion and steep topography (up to 40%) make this area difficult to build on, the roadway system is inadequate for additional population, and stated County services like police are inadequate for the existing population. She stated that the rationale cited in 2010 is still valid today.

Ms. Hilary Brendemuhl lives adjacent to the subject property. She stated the former owner of the property was concerned about preserving the area, which is why they combined the four lots into one. She was also told by a realtor that this lot would not be further developed. On page 5 of the staff report, it says *"New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project."* The applicant indicated that they plan to build three additional homes during their presentation. On page 2 of the staff report, in the approval criteria, it says *"Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved."* Mr. Murphy shared a letter from the HOA, but she questions the permission that has been given. When the lot was combined, it only required one access point, soils test, etc. The HOA allowed access points to the three proposed lots and there are now prospective driveways (which she referenced in her slideshow). Trees and foliage that help with erosion were removed. The HOA Board of Directors has a history of making arbitrary and capricious decisions.

Mr. Bill Brendemuhl lives adjacent to the subject property. He stated he was a real estate-related attorney. He questions if undoing the previous owner's replating will set an unintended precedent. He found examples of people combining lots to expand, but he did not find examples of people dividing their large lots. He does not think this proposal complies with the CC&Rs. Woodmoor HOA follows the Colorado Common Interest Ownership Act (CCIOA) which states in Section 38-33.3-217 Amendment of declaration, that *"(a), the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated..."* He does not have a record of their HOA following that procedure for this proposal. He stated that he participated in meetings with WIA and ACC after seeking the services of a land-use attorney, but after their presentation of where the HOA was overstepping, they never heard back from the attorney. The only response he or the attorney received was that WIA approved it. He has concerns about the geological report available on the EDARP website. There are problems with the soil, drainage, and slope. The engineer from the Colorado Geological Survey recommended that a plat note be added to require lot-specific soils and foundations investigations before development of the lots. The plat attached to the staff report does not include that recommendation. The Geological Survey also states it's critical that all recommendations made by the Geotechnical Engineer be followed when developing the property. He wants to ensure there are safeguards built-in to review any successive development. He also mentioned that there is a Deed of Trust put on the property but no signage block on the plat for the trust holder to sign.

Mr. Bailey noted that many concerns mentioned were between the property owners and their HOA.

Mr. Murphy replied to the comment that the previous landowner wanted to keep the land a certain way. He stated that he checked, and there are no deed restrictions. He added that the wife was planning to do the same thing but didn't want to go through the process. Regarding the engineering comments, he stated that the issues can be mitigated with proper planning, engineering, and construction. There will be engineer-designed foundations and drainage for all future homes.

Mr. Bailey added that this is a multi-step process. Vacation and Replat is the first step. There will be subsequent site plan reviews, etc., before a house is built.

DISCUSSION

Ms. Fuller noted that the opposing public comments involved the last criteria of approval regarding the CC&Rs. However, Mr. Murphy has a letter from the HOA stating he complies. In her opinion, he has met that criterion. She suspects the lots were combined in part for tax purposes. This area is zoned RR-0.5 so anyone who exceeds a 1-acre lot that meets the criteria or approval, could divide their lot. She often hears that a realtor told someone “That will never be developed”, but the reality is that this parcel exceeds 2 acres in RR-0.5 zoning and *can* be divided into smaller lots. She believes the criteria is being met and she is in favor of the application.

Mr. Whitney agreed with Ms. Fuller’s comments and added that the neighbors have an issue with the actions of the HOA. That issue is not in this review criteria.

PC ACTION: FULLER MOVED / BRITTAIN JACK SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3B, FILE NUMBER VR-22-013, FOR A VACATION AND REPLAT, 1384 BUCKWOOD LANE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

5. REGULAR ITEMS – NONE.

6. NON-ACTION ITEMS – NONE.

MEETING ADJOURNED at 10:14 A.M.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

SCHUETTPÉLÉ

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-22-005
OWL RIDGE MINOR SUBDIVISION

WHEREAS, SMH Consultants did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Owl Ridge Minor 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 July 6, 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 SMH Consultants for a minor subdivision final plat of the Owl Ridge subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
2. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
3. 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 Parks and 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.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. 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.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 17, 2023, as provided by the County Attorney's Office.
7. Applicant shall be requirement to participate in the Brown Road Improvement Cost Share Program and contribute \$14,866.31 for one lot in a recorded escrow agreement paid at time of plat recordation. Future subdivisions will also be subject to the escrow requirements.
8. Applicant will be required to submit a shared assess easement and maintenance agreement for a shared driveway from Brown Road and reflect the easement on the plat.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner 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.

OFFNER seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpeiz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 6th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


By: 
Thomas Bailey, Chair

EXHIBIT A

Deed Description Recording #219120728, Page 8

Parcel A: A tract of land located in the Southwest one-quarter of the Northwest one-quarter and the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Commencing at the South one-sixteenth corner of said Section and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Section, a distance of 270.00 feet to the point of beginning;

Thence continuing N 00 degrees 27 minutes 26 seconds W along said common line, a distance of 2384.23 feet to the North one-sixteenth corner of said Sections;

Thence N 89 degrees 23 minutes 54 seconds E along the North one-sixteenth line of said Section 7, a distance of 1681.21 feet to the Northwest one-sixteenth corner of Section 7;

Thence S 00 degrees 02 minutes 01 seconds W along the West one-sixteenth line of said Section 7, a distance of 1325.09 feet to the West one-sixteenth corner of said Section 7;

Thence S 00 degrees 02 minutes 13 seconds W along the West one-sixteenth line of said Section 7, a distance of 111.51 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of Southwest one-quarter of said Section 7, a distance of 1608.91 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 944.10 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 60.00 feet to the point of beginning.

Parcel B: A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the South one-sixteenth corner of said Section 7, and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Sections, a distance of 270.00 feet;

Thence N 89 degrees 16 minutes 27 seconds E along a line parallel to the South one-sixteenth line of Section 7, a distance of 807.42 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of Section 7, a distance of 270.00 feet;

Thence S 89 degrees 16 minutes 27 seconds W along the South one-sixteenth line of Section 7, a distance of 807.42 feet to the point of beginning.



COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS-22-005
Project Name: Owl Ridge Minor Subdivision
Parcel Number: 51000-00-447

OWNER:	REPRESENTATIVE:
Colt & Kathryn Haugen 18885 Brown Road Colorado Springs, CO 80908	SMH Consultants Brett Louk 411 S Tejon Street Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	7/6/2023
Board of County Commissioners Hearing Date:	8/1/2023

EXECUTIVE SUMMARY

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two single-family lots. Lot 1 will consist of 22 acres and Lot 2 will consist of 5 acres. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road and is adjacent to the intersection of Brown Road and Running Horse View. (Parcel No. 51000-00-447) (Commissioner District No. 1)

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A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): The applicant is requesting a waiver to the LDC Section 8.4.3 (B) "Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)."

The waiver is requested with this application to allow access by one common private driveway without the required 30 feet of frontage for each lot. The prosed Lot 2 will not have access to Brown Road and instead have access to the common driveway that takes access from Brown Road.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a final plat, the BoCC 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 (2021) ("Code"):

- 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.
- 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 therefore, 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 Residential
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

D. BACKGROUND

The subject property consists of one (1) unplatted parcel that contains 61.55 acres. The parcel is greater than 35 acres and is considered exempt from the subdivision regulations and is therefore considered a legal division of land.

The applicant is proposing a two-lot subdivision for single-family residential. The first lot will consist of 5 acres and the second lot will consist of 22 acres. There will be a remaining parcel of 35 acres that was not included with this subdivision since it is considered exempt from the subdivision regulation.

There is an existing single-family residence on the site that will remain. All remaining and existing structures will be required to meet the requirements of the RR-5 zoning district.

E. ANALYSIS

1. Land Development Code / Zoning

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 (2021).



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

** In the event that 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 minimum lot width shall be 165 ft.*

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

The existing structures meet the setbacks from all property lines and are under 30 feet in height. The applicant is not proposing construction of any new structures at this time.

In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. Any proposed additional structures will require site plan review and will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

F. MASTER PLAN ANALYSIS

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*

Analysis:

The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Objective HC1-5: *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

Objective LU3-1: *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*



Specific Strategies: The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.

The proposed Minor Subdivision will create two single-family residential lots that will be a minimum of 5 acres or greater. The surrounding properties are zoned RR-5 with a minimum of 5 acres or greater, therefore the creation of new lots will preserve the rural aesthetic and be compatible with the surrounding area.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

Analysis:

The applicant is proposing a two-lot minor subdivision that will be 5 acres in size or greater which is consistent with the surrounding area. The applicant is intending to plat twenty-seven (27) acres to allow for two (2) single-family residential lots.

c. Key Area Influences

The subject property is not located within a Key Area.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is not located within a Priority Development Area.



2. Water Master Plan

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.

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; however, it is not located within an area anticipated to experience significant 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.

Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Division



of Community Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposit 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 attached for the Parks Advisory Board review letter regarding conformance with The El Paso County Parks Master Plan (2013). Fees in lieu of park land dedication in the amount of \$1,380.00 for regional fees (Area 2) shall be paid to El Paso County at the time of plat recording. Urban fees are not applicable to the plat.

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Colorado Geological Survey has reviewed the final plat documents and recommends "The foundation systems for the proposed single-family residential structures and any retention/detention facilities should be designed and constructed based upon recommendations developed in a site-specific subsurface soil investigation." The applicant has added this as a plat note.

2. **Floodplain:** The property is not located within a FEMA floodplain area as determined by a review of the Federal Insurance Rate Map. The property is within Zone X, an area deemed to be a minimal flood hazard risk and outside the 500-year floodplain.
3. **Drainage and Erosion:** The property is located within the East Cherry Creek drainage basin (CYCY0200) which is an unstudied basin and not included in the El Paso County Drainage Basin Fee program at this time. No drainage or bridge fees will be due as part of the Minor Subdivision. A drainage report was submitted as part of the Minor Subdivision. Minimal drainage impacts are expected, and no adverse drainage impacts to downstream lots are associated with the proposed subdivision. No public

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improvements are required for this project. Water quality and detention facilities are not required due to the large lot, rural low impervious nature.

4. **Transportation:** Access for the proposed subdivision will be provided by Brown Road. Brown Road is classified as a County maintained rural local gravel road. An existing driveway off Brown Road and a new shared driveway from Brown Road will provide access for the new lot(s). The shared driveway access for Lots 1 and 2 will be required to have a recorded shared access easement and maintenance agreement, as well as a plat note. A traffic memo was submitted as part of the subdivision request. The daily traffic was analyzed to have an increase of 29 daily trips. There are no MTCP roads in the vicinity of the subdivision.

The development is required to participate in Brown Road cost share road improvement fund due to the increase in the number of new subdivisions, residential lots and traffic along Brown Road. A cost share analysis was completed for the Owl Ridge Subdivision with a required escrow contribution of \$14,866.31 for one lot to be paid at time of plat recordation. An escrow agreement for the Brown Road improvement cost share and escrow will be recorded with the County. The new shared driveway access will be required to obtain a driveway access permit with the County. The development will be subject to the El Paso County Road Impact Fee project which will be paid at time of building permit.

A waiver from Land Development Code Section 8.4.4.(E), which requires all lots to have at least 30 feet of frontage and access to a public road was requested with the Owl Ridge Subdivision. The waiver is required for the lack of public road frontage with the proposed subdivision and adjacent property utilizing Running Horse View, a private driveway. The recorded shared access easement and maintenance agreement has been submitted as part of the waiver justification requirements. The sixty foot access easement & private driveway will provide sufficient access to the subdivision and reduce necessity for separate individual driveway to Brown Road.

H. SERVICES

1. Water

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a

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sufficient water supply for the required 300-year period. The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

2. Sanitation

Wastewater is provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an OWTS report which indicated that the lots are suitable for the construction of these systems.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy (BHE) will provide natural gas service to the area included within the final plat. Both utility providers were sent referrals for the final plat; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

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

6. Schools

Fees in lieu of school land dedication in the amount of \$616.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues.



K. 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 (2021) staff recommends the following conditions and notations:

CONDITIONS

1. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
2. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
3. 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 Parks and 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.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. 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.

6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 17, 2023, as provided by the County Attorney's Office.
7. Applicant shall be requirement to participate in the Brown Road Improvement Cost Share Program and contribute \$14,866.31 for one lot in a recorded escrow agreement paid at time of plat recordation. Future subdivisions will also be subject to the escrow requirements.
8. Applicant will be required to submit a shared assess easement and maintenance agreement for a shared driveway from Brown Road and reflect the easement on the plat.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on June 13, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

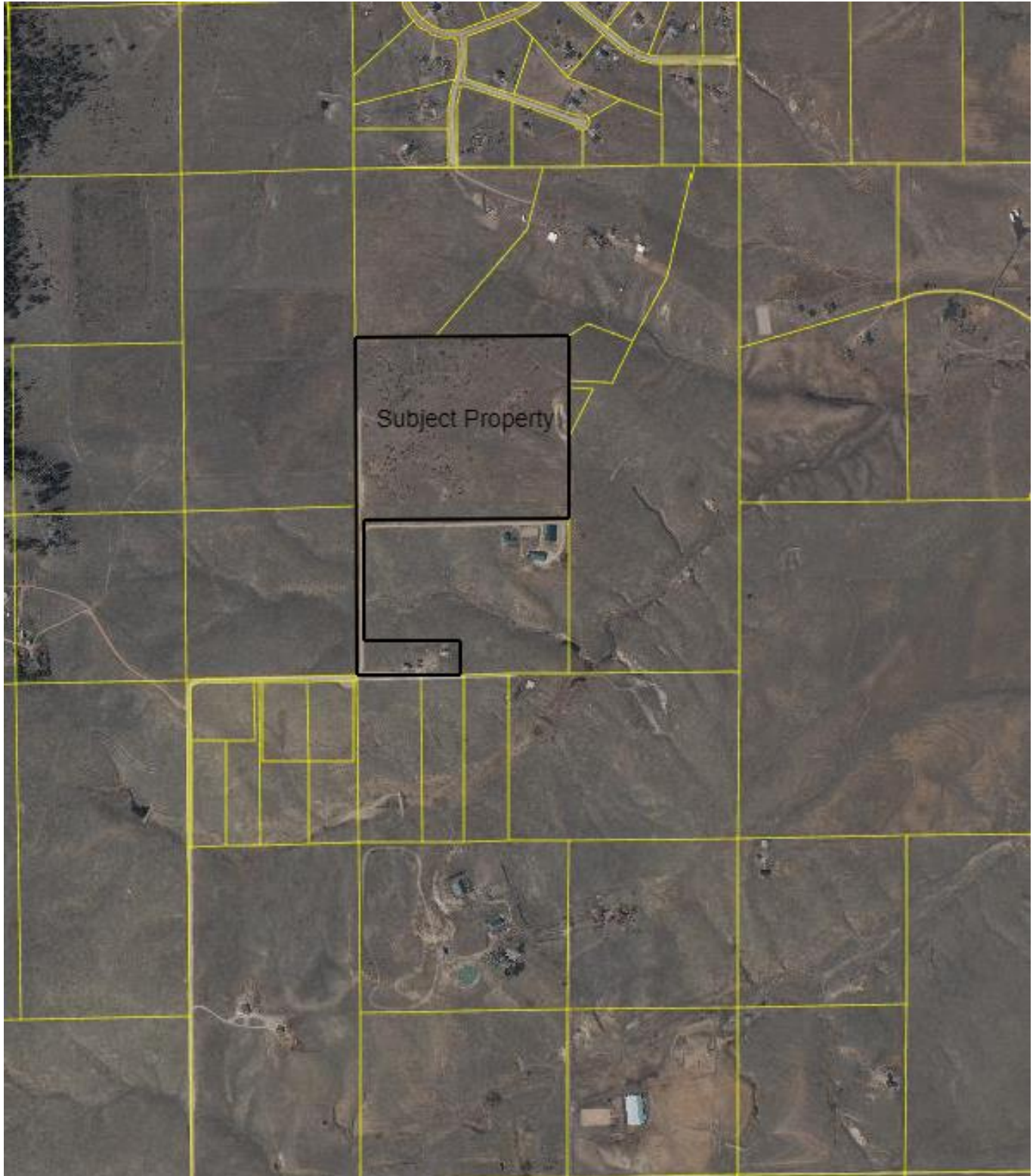
Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
Draft Resolution

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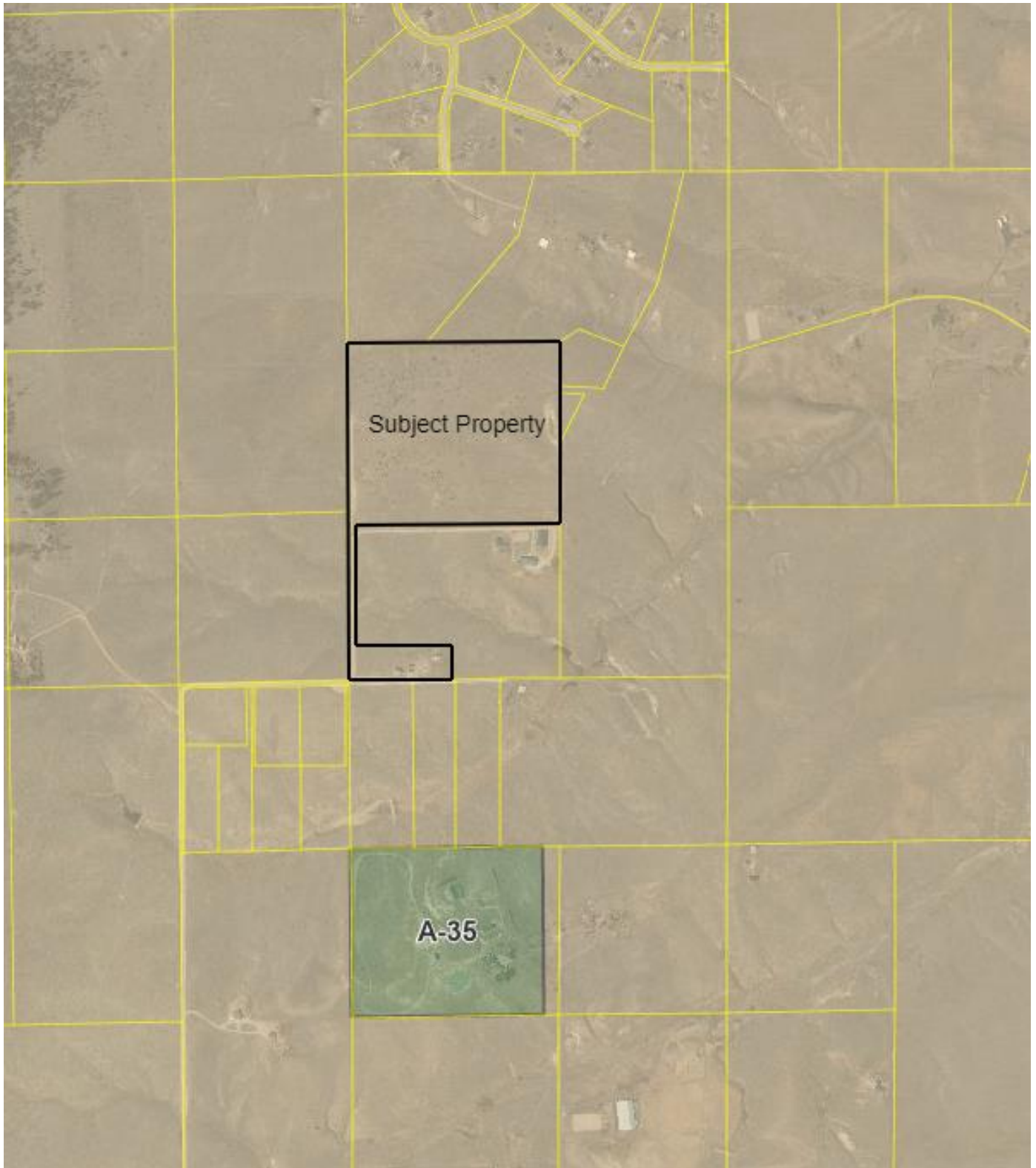
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Map Exhibit #1: Aerial



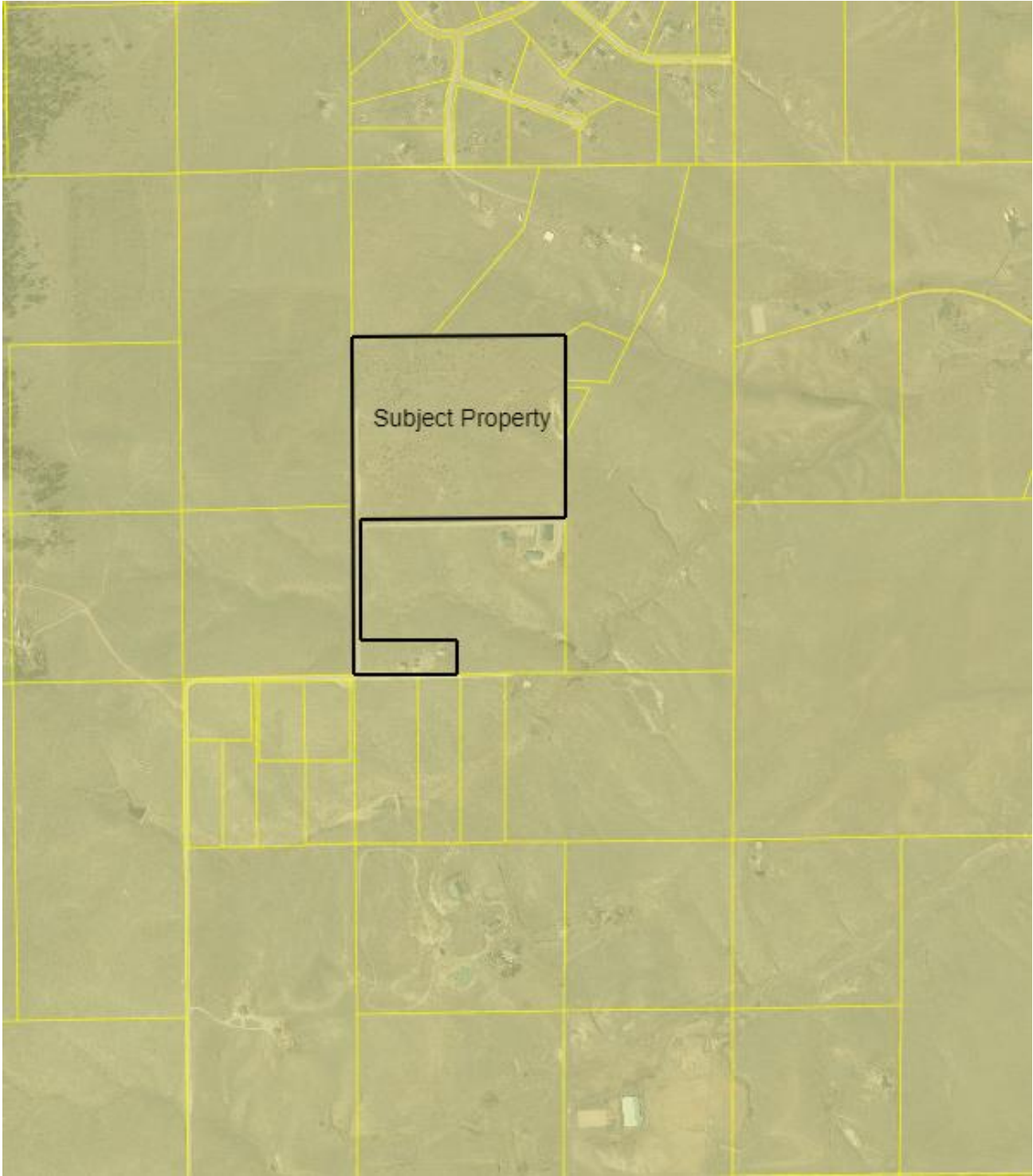
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Map Exhibit #2: Zoning

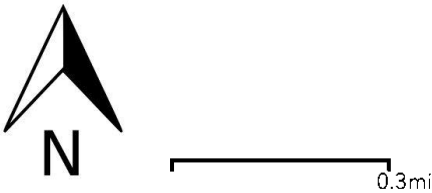










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Map Exhibit #3: Placetype

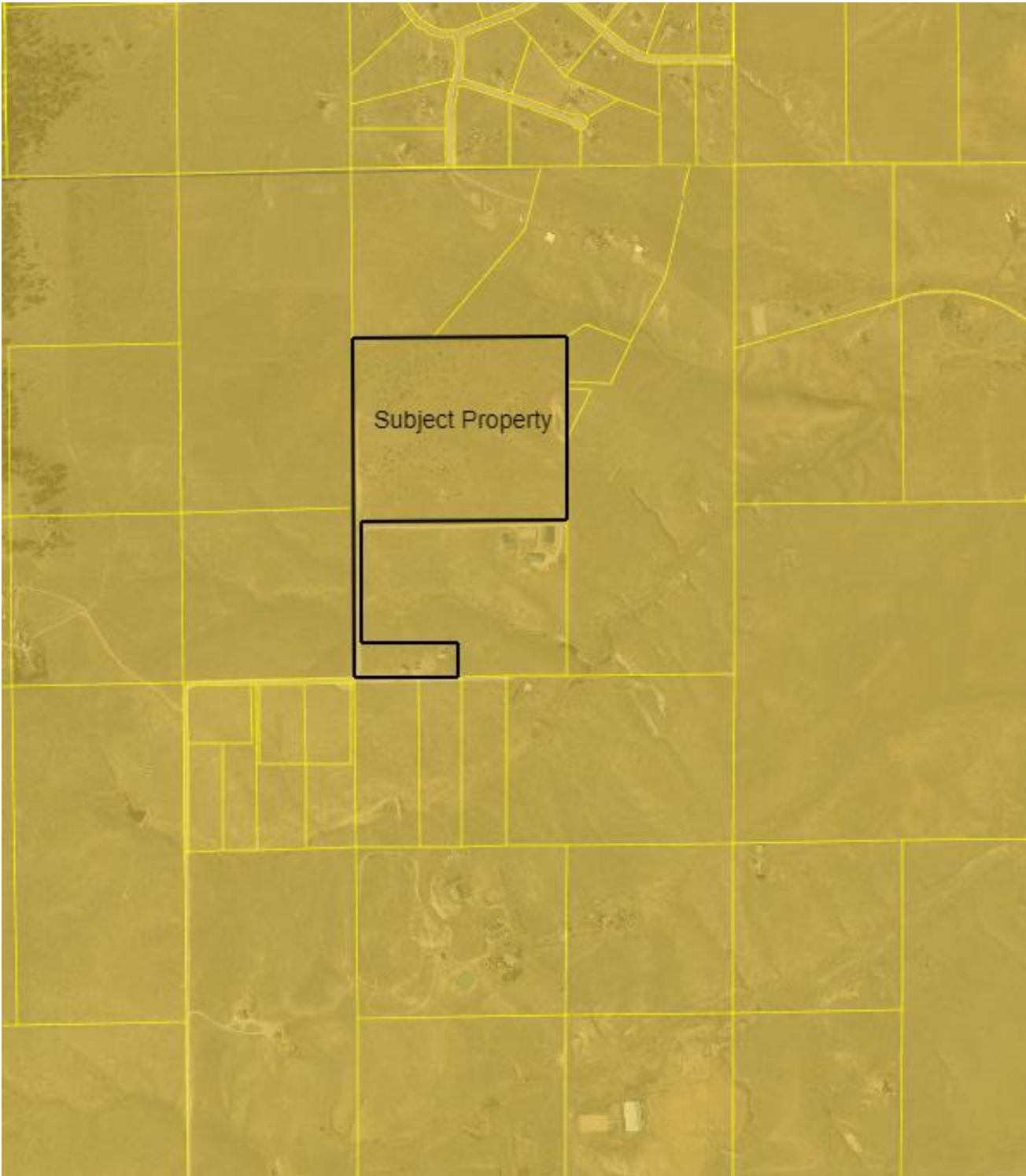


Legend



- | | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |

Map Exhibit #4: Area of Change



Legend

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition



0.3mi



June 17, 2022

Kari Parsons, Planner III
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: PCD File #MS-22-005 - Owl Ridge Minor Subdivision Letter of Intent

Dear Ms. Parsons:

The property owner would like to request approval of a minor subdivision for 18885 Brown Road, Colorado Springs, CO 80908. The parcel number is 5100000447. The site is currently zoned RR-5 and would remain zoned as such with the approval of the minor subdivision. There is an existing single-family residence on the site that would remain.

The approved minor subdivision would consist of two single family residential lots of the following sizes: Lot 1: 22.0 acres and Lot 2: 5 acres. The proposed subdivision layout shown on the final plat meets the following criteria for approval of a final plat, as outlined in the El Paso County Land Development Code.

- The proposed minor subdivision fits within the current zoning regulations and the Black Forest Preservation Plan. The plan identifies future land use and preservation of the Black Forest Planning Area. The plan recommends development be strictly limited to an overall density of one dwelling unit per five acres for the Northern Grasslands territory. This area is also shown as Large-lot Residential in the El Paso County Master Plan adopted in 2021. Large-lot Residential is defined in the Master Plan as single-family detached typically 2.5-acres or larger. The proposed subdivision is not located within a Key Area and is identified as an area of minimal change per the Key Areas and Areas of Change sections of the El Paso County Master Plan. The proposed development fits within the 2040 Major Transportation Corridor plan. Brown Road is shown as being a local road and will remain a local road into the future. Currently Brown Road is a gravel road, but is being improved to be a paved section meeting El Paso County standards.
- Minor subdivision is a process for smaller subdivisions in lieu of preliminary/final plat process.
- The proposed subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and survey requirements of the County.
- Water rights adjudications have been decreed by the State of Colorado Ground Water Commission Findings in Case No. 2005CW260. A replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer in the Upper Black Squirrel Creek designated groundwater basin has been approved by the Colorado Groundwater Commission Findings and Order. Results from the water quality test have been submitted with the final plat application. These items satisfy the requirements outlined in Chapter 8 of the El Paso County Land Development Code.
- Individual lots within the proposed subdivision will be served by Onsite Wastewater Treatment Systems (OWTS), which complies with the requirements outlined in Chapter 8 of the El Paso County Land Development Code.

- A soils and geology report has been provided for the site and has been submitted with the final plat. The site was found to be suitable for the proposed development. Some areas of expansive soils, compressible soils, undocumented fill, faults seismicity, and radon were mentioned in the report; however, the proposed development can be achieved if these areas are avoided or properly mitigated.
- No drainage improvements have been proposed for the property. The proposed development is not anticipated to produce any adverse stormwater impacts to the surrounding properties.
- Access to the proposed subdivision will be provided by an existing driveway off of Brown Road and a new shared driveway off of Brown Road. The shared driveway will serve Lots 1 & 2 on the northern portion of the property. Maintenance responsibilities for the shared driveway have been outlined in the Access Easement and Maintenance Agreement that has been submitted with the minor subdivision application.
- The proposed subdivision will generate approximately 4 am, 4 pm, and 29 daily trips. Per the El Paso County Engineering Criteria Manual, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10. A traffic memo has been provided.
- Necessary services including police and fire protection, recreation, utilities, and transportation systems are available to serve the proposed subdivision.
- A fire protection and wildfire mitigation report has been submitted with the final plat. The report outlines steps to be taken for fire protection and mitigation. Per Tri-Lakes Monument Fire Protection District, there is an existing fire hydrant located approximately 1.8 miles from the site at Ray Kilmer Elementary School. After discussions with the fire department, this fire hydrant is within close enough proximity that no cisterns are required for the proposed subdivision. Each driveway to a private residence shall be constructed to meet the requirements outlined in Chapter 6 of the El Paso County Land Development Code.
- There are no off-site improvements anticipated with the proposed subdivision.
- There are no adverse impacts to public facilities or infrastructure from the proposed subdivision.
- The proposed subdivision meets all other applicable sections of Chapter 6 and 8 of the El Paso County Land Development Code.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision.
- Access and maintenance agreement for the ingress/egress easement has been provided with this subdivision submittal.
- El Paso County Road Impact Fee will be paid at the time of building permit application.
- A cost share analysis for the Brown Road Improvements was completed for the proposed subdivision. As part of this cost share analysis, it was determined that each lot within the proposed subdivision would contribute \$14,866.31 to the escrow fund to be utilized for the future improvements. However, since one lot contains an existing residence, this lot should be exempt from contributing to the escrow fund, similar to the County's Road Impact Fee. Therefore, Owl Ridge Subdivision should contribute \$14,866.31, equal to one lot's share, to the Brown Road Improvements Escrow Fund.
- An escrow agreement has been developed for the Brown Road Improvements Cost Share and will be recorded with El Paso County.

Questions regarding the proposed minor subdivision can be directed to the following individuals:

Consultant

Brett Louk, P.E.
SMH Consultants
411 S. Tejon Street, Suite I
Colorado Springs, CO 80903
719-465-2145
blouk@smhconsultants.com

Owner

Colt Haugen
18885 Brown Road
Colorado Springs, CO 80908
719-440-8808
colthaugen@gmail.com

The property owner would greatly appreciate your consideration of this request.

Sincerely,

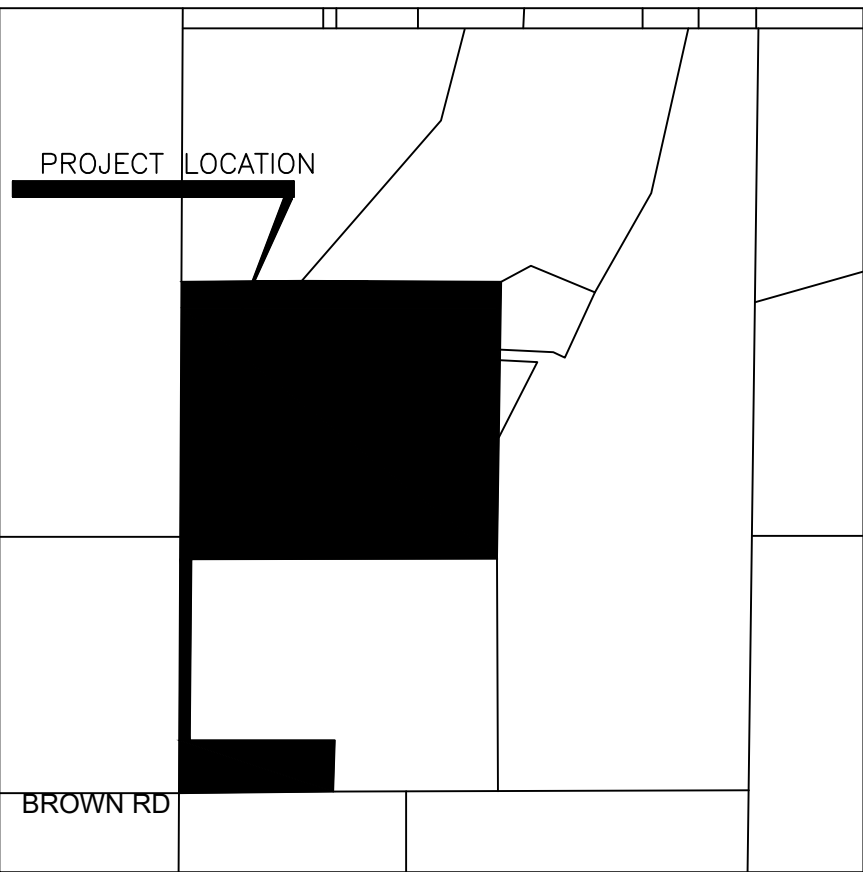


Brett Louk, PE
SMH Consultants

Final Plat

OWL RIDGE SUBDIVISION

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11
SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO



VICINITY MAP
(NOT TO SCALE)

ENVIRONMENTAL:
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 DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS, THE U.S. FISH & WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE PREBLE'S MEADOW JUMPING MOUSE AS A LISTED THREATENED SPECIES.

FLOODPLAIN NOTE:
FLOOD INSURANCE RATE MAP, MAP NUMBER 084041C0305G EFFECTIVE DATE DECEMBER 7, 2018, INDICATES THAT THE AREA WITHIN THE SURVEYED PROPERTY TO BE LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN).

EASEMENTS:
UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR THE MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

UTILITY NOTES:
ANY UTILITY COMPANY THAT LOCATES FACILITIES IN ANY EASEMENT SHALL HAVE THE RIGHT TO PRUNE, REMOVE, ERADICATE, CUT AND CLEAR AWAY ANY TREES, LIMBS, VINES, AND BRUSH ON THE UTILITY EASEMENT NOW OR AT ANY FUTURE TIME AND PRUNE AND CLEAR AWAY ANY TREE LIMBS, VINES, AND BRUSH ON LANDS ADJACENT TO THE UTILITY EASEMENT WHENEVER, IN THE UTILITY COMPANIES JUDGMENT, SUCH MAY INTERFERE WITH OR ENDANGER THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF ITS FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM THE UTILITY EASEMENT AND CONTIGUOUS LAND SUBJECT TO THIS PLAT FOR THE PURPOSE OF SURVEYING, ERECTING, CONSTRUCTING, MAINTAINING, INSPECTING, REBUILDING, REPLACING, AND WITH OR ENDANGERING THE CONSTRUCTION, OPERATION OR MAINTENANCE OF SAID FACILITIES.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

ACCESS:
NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.

GEOLOGIC HAZARD NOTE:
THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE SOILS & GEOLOGY REPORT BY RMG - ROCKY MOUNTAIN GROUP DATED SEPTEMBER 9, 2022 IN FILE MS-22-005 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
• OTHER HAZARD: ARTIFICIAL FILL AREA

DENSITY AND DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICT RR-5						
ZONING DISTRICT	AREA	WIDTH (AT FRONT SETBACK LINE)	FRONT	REAR	SIDE	MAXIMUM LOT COVERAGE
RR-5	5 ACRES (1.2)	200 Ft	25 Ft	25 Ft	25 Ft	25%

OWNER:
COLT & KATHRYN HAUGEN
LIVING TRUST
18885 BROWN ROAD
COLORADO SPRINGS, CO 80908
719-440-8808

TOTAL ACREAGE:
LOT 1 = 20.33 ACRES
LOT 2 = 5.00 ACRES
FLAG STEM + 1.67 ACRES
TOTAL = 27.00 ACRES

LOT & DENSITY DATA
GROSS ACREAGE: 27.00 ACRES
TOTAL LOTS: 2
GROSS DENSITY: 0.074 LOTS/ACRE
NET DENSITY: 0.079 LOTS/ACRE
NET ACREAGE: 25.33 ACRES

SURVEYOR:
TIM SLOAN, VICE-PRESIDENT
SMH CONSULTANTS, P.A.
411 SOUTH TEJON STREET, SUITE I
COLORADO SPRINGS, CO 80903
719-465-2145

SERVICE PROVIDERS:
TRI-LAKES MONUMENT FIRE DEPARTMENT
MOUNTAIN VIEW ELECTRIC ASSOC.
CENTURYLINK
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
DOMESTIC WELLS
PROPANE SERVICE

FEES:
Park Fee: _____
School Fee: _____
Brown Road Cost Share: \$14,866.31

SMH
CONSULTANTS

Civil Engineering • Land Surveying • Landscape Architecture
www.smhconsultants.com
Manhattan, KS - HQ P: (785) 776-0541 • Dodge City, KS P: (620) 255-1952
Kansas City, KS P: (913) 444-9615 • Colorado Springs, CO P: (719) 465-2145
Drawn By: JTH Project 2010CS4031 DD TDS87 PCD File # MS-22-005

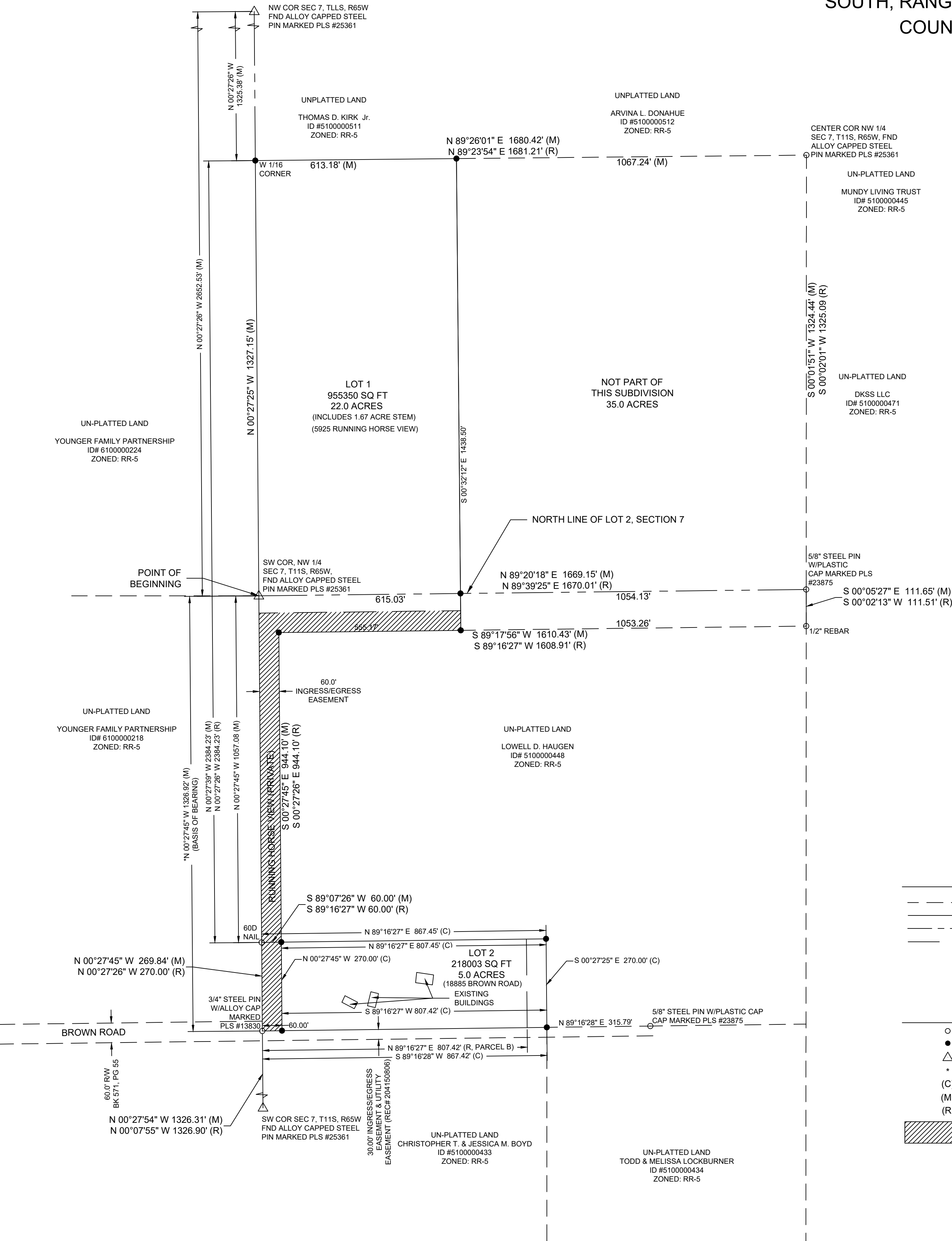
JANUARY 2023

NOTES:

- NO GAPS OR OVERLAPS EXIST.
- THERE ARE NO LINES OF POSSESSION THAT AFFECT THIS SURVEY.
- PARENT TRACT IS RECORDED IN BOOK INSTRUMENT #219120728, REGISTER OF DEEDS OFFICE, EL PASO COUNTY, COLORADO.
- ALL BUILDING SETBACK REQUIREMENTS SHALL BE DETERMINED BY THE ZONING DISTRICT, UNLESS OTHERWISE NOTED.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SMH CONSULTANTS, TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR INFORMATION REGARDING EASEMENTS AND RIGHT OF WAY, SMH CONSULTANTS RELIED UPON THE TITLE POLICY PREPARED BY STEWART TITLE COMPANY dba LEGACY TITLE, 1641867, DATED APRIL 4, 2022.
- BASIS OF BEARINGS IS THE WEST PROPERTY LINE, MONUMENTED AS SHOWN AND BEARING NORTH 00 DEGREES 27 MINUTES 45 SECONDS WEST, 1326.92 FEET.
- SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY PUBLIC HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE AN ENGINEER-DESIGNED SYSTEM PRIOR TO PERMITTING APPROVAL.
- INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
- WATER IN THE DENVER WATER 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 ELEVATED BASED ON A 300-YEAR AQUIFER LIFE. APPLICANTS, THE HOME OWNERS ASSOCIATION, 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 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.
- THE PROPERTY OWNER, ITS SUCCESSORS AND ASSIGNS, AND ALL FUTURE LOT OWNERS IN THIS DEVELOPMENT ARE HEREBY ON NOTICE THAT THEY MAY BE REQUIRED TO COMPLY WITH APPLICABLE RULES, IF ANY, OF THE COLORADO GROUND WATER COMMISSION AND/OR THE UPPER BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT, WHICH COMPLIANCE MAY RESULT IN A REDUCTION OF WELL WITHDRAWAL LIMITS, AND THUS A REDUCTION IN WATER AVAILABILITY.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. HOMEBUILDERS ARE RESPONSIBLE TO ENSURE PROPER DRAINAGE AROUND STRUCTURES, INCLUDING ELEVATIONS OF FOUNDATIONS AND WINDOW WELLS IN RELATION TO SIDE-LOT DRAINAGE EASEMENTS AND SWALES. HOMEOWNERS SHALL NOT CHANGE THE GRADE OF THE LOT OR DRAINAGE SWALES WITHIN SAID EASEMENTS, AS CONSTRUCTED BY THE BUILDER, IN A MANNER THAT WOULD CAUSE ADVERSE DRAINAGE IMPACTS TO PROPERTIES. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- ACCESS TO LOTS 1 & 2 SHALL BE THROUGH THE SHOWN ACCESS EASEMENT. THE RESPONSIBILITY AND MAINTENANCE OF SAID ACCESS IS SUBJECT TO THE MAINTENANCE AGREEMENT AND ALL RESTRICTIONS CONTAINED THEREIN, AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY CLERK AND RECORDER.
- 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 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 PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
- DUE TO THEIR LENGTH, SOME OF THE DRIVEWAYS WILL NEED TO BE SPECIFICALLY APPROVED BY THE TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES POSTAL SERVICE REGULATIONS.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICE DEPARTMENT: DRAINAGE REPORT, WATER RESOURCES REPORT, WASTEWATER DISPOSAL REPORT, GEOLOGY AND SOILS REPORT, FIRE PROTECTION REPORT, AND TRAFFIC MEMO.
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- INDIVIDUAL LOTS SHALL CONTRIBUTE TO THE BROWN ROAD IMPROVEMENT ESCROW AGREEMENT, FOR FUTURE IMPROVEMENTS TO BROWN ROAD, AS RECORDED WITH EL PASO COUNTY CLERK AND RECORDER AT RECEPTION NO. _____.
- WATER RIGHTS MAY NOT BE CONVEYED, SOLD OR TRANSFERRED PER COURT DECREE 2021CW3128 DATED FEBRUARY 8, 2022. USE OF WATER RIGHTS CAN NOT BE CHANGED FROM WHAT IS OUTLINED IN THE PRECEDING COURT DECREE.
- THE FOUNDATION SYSTEMS FOR THE PROPOSED SINGLE-FAMILY RESIDENTIAL STRUCTURES AND ANY RETENTION/DETENTION FACILITIES SHOULD BE DESIGNED AND CONSTRUCTED BASED UPON RECOMMENDATIONS DEVELOPED IN A SITE-SPECIFIC SUBSURFACE SOIL INVESTIGATION.
- INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS INCLUDING NECESSARY DRAINAGE IN ACCORDANCE WITH LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C. DUE TO ITS LENGTH, DRIVEWAY FOR LOT 1 WILL NEED TO BE APPROVED BY THE FIRE DISTRICT AUTHORITY.

LINETYPE LEGEND	
---	Adjacent Property Line
---	Property Line
---	Section Line
---	Easement Line

SYMBOL LEGEND	
○	Monument Found Origin: Unknown
●	1/2"x24" Rebar w/PLS38374 Cap Set
△	Section Corner
+	Assumed Bearing
(C)	Calculated Dimension
(M)	Measured Dimension
(R)	Recorded Dimension
▨	Ingress/Egress



Final Plat

OWL RIDGE SUBDIVISION

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11
SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This Plat OWL RIDGE SUBDIVISION was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 2023, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public streets and easements are accepted, but public improvements thereon 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 Improvements Agreement.

Chair, Board of County Commissioners Date

Director, Planning and Community Development Department Date

El Paso County Assessor Date

RECORDINGS:

STATE OF COLORADO)
COUNTY OF EL PASO) SS

I hereby certify that this instrument was filed for record in my office at _____ O'clock _____.M.
this _____ day of _____, 2023 A.D., and is duly recorded under Reception
Number _____ of the records of El Paso County, State of Colorado.

Chuck Broerman, Recorder

By: _____
Deputy Date

SURVEYOR'S CERTIFICATION:

I, Tim Sloan, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on November 19, 2020, by me or under my direct supervision and that all monuments exist 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, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this _____ day of _____, 20____.

Tim Sloan, Professional Surveyor
Colorado Registered PLS #38374



KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Colt & Kathryn Haugen Living Trust, being the owners of the following described tract of land:

TO WIT:

PROPERTY DESCRIPTION:

A tract of land in the West Half of Section 7, Township 11 South, Range 65 West of the Sixth Principal Meridian, El Paso County, Colorado described as follows:

Beginning at Southwest Corner of the Northwest Quarter of said Section 7; thence
N 00°27'25" W 1327.15 feet along the West Line of the Northwest Quarter of said Section 7; thence
N 89°26'01" W 613.18 feet; thence
S 00°32'12" W 1438.50 feet; thence
S 89°17'56" W 555.17 feet; thence
S 00°27'45" E 944.10 feet; thence
N 89°16'27" W 807.45 feet; thence
S 00°27'25" E 270.00 feet; thence
S 89°16'28" W 867.42 feet; thence
N 00°27'45" W 1326.92 feet to the point of beginning, containing 27.0 acres.

Subject to easements and restrictions of record.

DEDICATION:

The undersigned, being all the Owners, Mortgages, Beneficiaries of Deeds of Trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of "Owl Ridge Subdivision". All public improvements so platted are hereby dedicated to public use and said Owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said Owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

IN WITNESS WHEREOF:

The aforementioned Colt & Kathryn Haugen Living Trust, has executed this instrument this
_____ day of _____, 2023 A.D.

Colt H. Haugen, Trustee Kathryn E. Haugen, Trustee

NOTARIAL:

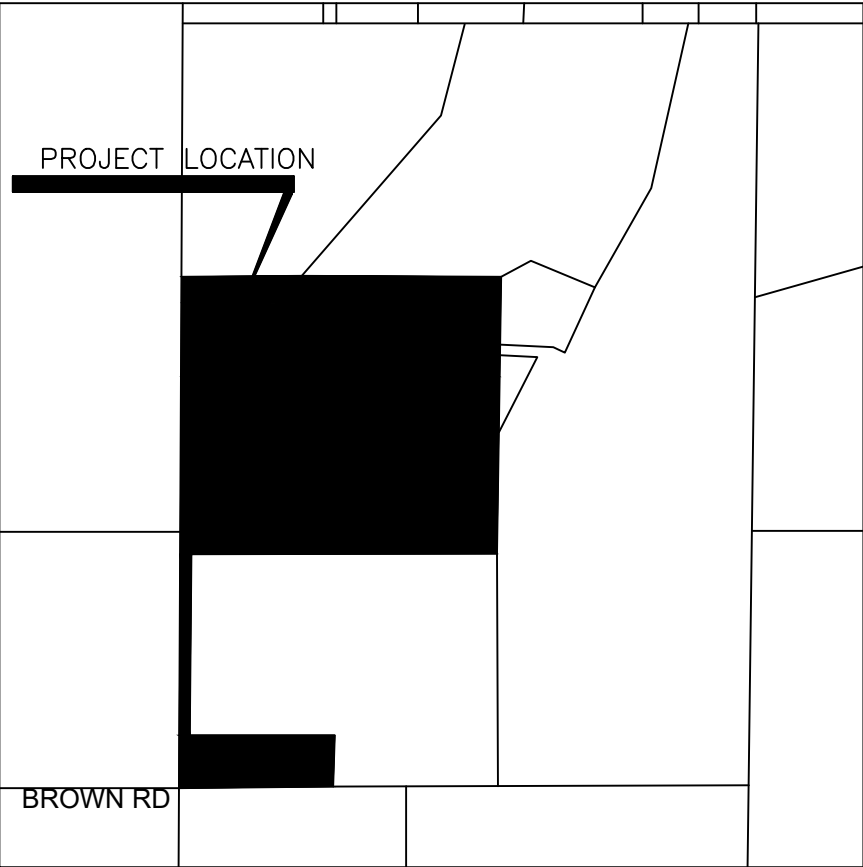
STATE OF COLORADO)
COUNTY OF EL PASO) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 A.D. by Colt H. Haugen and Kathryn E. Haugen

Witness my hand and seal _____

Address _____

My Commission expires _____



VICINITY MAP
(NOT TO SCALE)

DATE SUBMITTED: 01/20/2023
REVISIONS:
Δ

SMH
CONSULTANTS

Civil Engineering • Land Surveying • Landscape Architecture
www.smhconsultants.com
Manhattan, KS - HQ P: (785) 776-0541 • Dodge City, KS P: (620) 255-1952
Kansas City, KS P: (913) 444-9615 • Colorado Springs, CO P: (719) 465-2145
Drawn By: ATJ Project 2010CS4031 DD TDS87 PCD File #MS-22-005

JANUARY 2023



June 8, 2022

Kylie Bagley
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Owl Ridge Minor Subdivision
Part of the E ½ of the SW ¼, Section 29, T11S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Kylie Bagley,

We have reviewed the information received by this office on May 9, 2022 regarding the above referenced referral. The Applicant is proposing to create a three lot subdivision on 61.55 acres consisting of a 20.3 acre lot (Lot 1), a 35 acre lot (Lot 2) and a 5 acre lot (Lot 3).

Water Supply Demand

According to the Owl Ridge Subdivision Water Resources Report by JDS-Hydro Consultants dated February, 2022 ("Water Resources Report"), the estimated annual demand for each lot is as follows: Lot 3 is 0.6 acre-feet per year to serve one residence; Lot 1 is 1.75 acre-feet per year to serve two residences and Lot 2 is 4 acre-feet per year to serve a potential of three residences, 1 acre of irrigation and the water watering of livestock from a future exempt well. The total irrigation demand for Lots 1 and 3 is 22,084 square feet and the total number of horses to be watered for Lots 1 and 3 are 16 horses.

Source of Water Supply

The proposed water source for Lots 1 and 3 are individual on lot wells constructed in the Dawson aquifer operating pursuant the decree approved in Division 1 Water Court Case no. 05CW260 and the decreed augmentation plan in Division 1 Water Court Case no. 21CW3126, including the existing well under permit no. 280006, which shall be re-permitted pursuant to the decreed augmentation plan.

The proposed water source for Lot 2 (35 acres) is a future exempt well constructed into the Dawson aquifer. Since the 35 acre parcel will be created as part of a subdivision process C.R.S. 37-92-602(3)(b)(III), requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. As such, an exempt well permit in the Dawson could not be issued on proposed Lot 2. In order to obtain a non-exempt well permit for a Dawson aquifer well on proposed Lot 2 a court approved augmentation plan would be required.

The decreed augmentation plan in Division 1 Water Court Case no. 21CW3126 allows for the annual withdrawal of 2.35 acre-feet per year from the not nontributary Dawson aquifer, based on a 300 year allocation approach. The augmentation plan states the ground water



will be used through up to two wells on two lots, including the existing well currently operating under permit no. 280006, which shall be re-permitted pursuant to the decreed augmentation plan within 60 days of the signing of the decree. This office has not received an application to re-permit well no. 280006; therefore the county should require the applicant to re-permit the well pursuant to the decreed augmentation plan prior to subdivision approval.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed in case nos. 05CW260 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

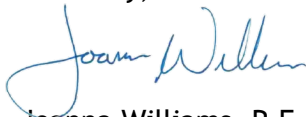
State Engineer's Office Opinion

Based on the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. Prior to further review of the subdivision water supply plan the following information is required:

1. If the proposed water source for proposed Lot 2 will be a Dawson aquifer well then the Applicant must demonstrate that a court approved augmentation plan has been obtained for the well. In addition, the Applicant must provide a subdivision water supply plan the meets the county's 300 year water supply requirement.
2. The applicant must re-permit the existing well under permit no. 280006 pursuant to the decreed augmentation plan in case no. 21CW3126 prior to subdivision approval.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision file: 30280
File permit no. 280006

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

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

May 17, 2023

MS-22-5 Owl Ridge Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of the Owl Ridge Subdivision, a minor subdivision application by the Colt & Kathryn Haugen Living Trust ("Applicant") for a 2-lot subdivision on 27 acres of a 61.55-acre parcel of land (the "property"). The property is zoned RR-5 (Rural Residential). Lot 1 is 22 acres and is planned for 2 single-family dwellings. Lot 2 is 5 acres and has one existing single-family dwelling.¹

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand for the subdivision is 2.35 acre-feet/year, comprised of 0.90 acre-feet/year for household use for 3 single-family dwellings, 1.25 acre-feet/year for irrigation, and 0.2 acre-feet/year for animal watering. Based on this total demand, Applicant must be able to provide a supply of 705 acre-feet of water (2.35 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 the not-nontributary Dawson aquifer as originally decreed in 05CW260 and approved for withdrawal pursuant to the Findings of Fact, Conclusions of Law, Ruling of the Referee, and Judgment and Decree in 21CW3126 ("Augmentation Plan"). In the Augmentation Plan, the Court recognized that Applicant

¹ This information is derived from the Water Resources Report. The Water Supply Information Summary states that Lot 1 will have 1 dwelling and Lot 2 will have 2 dwellings. Applicant is required to reconcile these statements as part of this Review.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER
BOCC Report Packet

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

had been deeded 49.0 annual acre-feet of water in the Dawson aquifer, 45.0 annual acre-feet (4,500 acre-feet total) of which were available for use. The Augmentation Plan approved the annual withdrawal of 2.35 acre-feet of Dawson aquifer water for 300 years through up to two (2) wells on two (2) lots. One well may withdraw up to 0.6 acre-feet annually to serve one-single family residence, irrigation, and up to 4 large domestic animals, and the other may withdraw up to 1.75 acre-feet annually to serve two (2) single-family residences, irrigation, and up to 12 large animals. The Court recognized existing Well Permit No. 280006 and required re-permitting of the well under the Augmentation Plan.

The Court also recognized that Applicant had been deeded 4,980 acre-feet of water in the Denver aquifer, 2,750 acre-feet of water in the Arapahoe aquifer, and 1,870 acre-feet of water in the Laramie-Fox Hills aquifer, all decreed in Case No. 05CW260.

The approved augmentation plan has a term of 300 years and requires that septic system return flows be used for augmentation during the pumping period for the 2 approved wells. Applicant must reserve 705 acre-feet of its water rights in the Laramie-Fox Hills aquifer for replacement of post-pumping depletions.

State Engineer's Office Opinion

4. In a letter dated February 6, 2023, the State Engineer stated that “the estimated annual demand for each lot is as follows: Lot 1 is 1.75 acre-feet per year to serve two residences, Lot 2 is 0.6 acre-feet per year to serve one residence. The total irrigation demand for Lots 1 and 2 is 22,084 square feet and the total number of horses to be watered for Lots 1 and 2 are 16 horses.” The State Engineer noted that the decreed augmentation Plan in Division 1 Water Court Case no. 21CW3126 allows for the annual withdrawal of 2.35 acre-feet per year from the Dawson aquifer through up to two wells on two lots.

Finally, the State Engineer stated that, “... pursuant to 30-28-136(1)(h)(I) C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for the Owl Ridge Minor Subdivision is 2.35 acre-feet per year for a total demand of 705 acre-feet for the subdivision for 300 years. The Augmentation Plan allows for 2 wells limited to an annual withdrawal of 2.35 acre-feet for domestic, irrigation, and animal watering uses.

Based on the water demand of 2.35 acre-feet/year for the Owl Ridge Minor Subdivision and the Augmentation Plan withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Owl Ridge 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.**

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated April 13, 2023, the Water Supply Information Summary submitted October 27, 2022, the State Engineer's Office Opinion dated February 26, 2023, and Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Case No. 21CW3126 entered on February 8, 2022. 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 Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126, specifically, that water withdrawn from the Dawson aquifer shall not exceed 0.6 annual acre-feet for the existing permitted well and 1.75 annual acre-feet for the future second well, based on a total combined annual withdrawal of 2.35 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers 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. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Case No. 21CW3126.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 705 acre-feet of Dawson aquifer water and 705 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126 to satisfy El Paso County's 300-year water supply requirement for the 2 lots of the Owl Ridge Minor Subdivision. The Covenants shall further identify that 525 acre-feet (1.75 AF/year) of Dawson aquifer water and 525 acre-feet of Laramie-Fox Hills aquifer water is allocated to Lot 1 and 180 acre-feet (0.60 AF/year) of Dawson aquifer water and 180 acre-feet of Laramie-Fox Hills

aquifer water is allocated to Lot 2. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the 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 each lot in the subdivision have an occupied single-family dwelling 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 Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126 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 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/or Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall Require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126 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 Owl Ridge Minor Subdivision pursuant to Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126. 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 Colorado Ground Water Commission 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 determination.”

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 Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126 are also terminated by the Division 1 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 535 acre-feet (1.75 acre-feet per year) and 535 acre-feet of Laramie-Fox Hills aquifer water for Lot 1, and Dawson aquifer water in the decreed amount of 180 acre-feet (0.60 acre-feet per year) and 180 acre-feet of Laramie-Fox Hills aquifer water for Lot 2. 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 and Laramie-Fox Hills aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson and Laramie-Fox Hills aquifers 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 Owl Ridge 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. 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 Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 21CW3126 and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to 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.

H. 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."

I. Prior to recording the final plat, Applicant shall submit a corrected Water Supply Information Summary that identifies the number of residences on each lot.

cc: Ryan Howser, Project Manager, Planner III

RESOLUTION NO. 23-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE MINOR SUBDIVISION FINAL PLAT
OWL RIDGE MINOR SUBDIVISION

WHEREAS, SMH Consultants did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Owl Ridge Minor Subdivision for 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 the El Paso County Planning Commission on July 6, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 1, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code ("Code").

7. 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.
8. 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.
9. 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.
10. 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)].
11. 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.
12. 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.
13. 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.
14. 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.
15. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.

16. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
17. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. 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.
19. 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.
20. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the minor subdivision final plat application for the Owl Ridge Minor Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
2. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
3. 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 Parks and 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.

4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. 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.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 17, 2023, as provided by the County Attorney's Office.
7. Applicant shall be requirement to participate in the Brown Road Improvement Cost Share Program and contribute \$14,866.31 for one lot in a recorded escrow agreement paid at time of plat recordation. Future subdivisions will also be subject to the escrow requirements.
8. Applicant will be required to submit a shared assess easement and maintenance agreement for a shared driveway from Brown Road and reflect the easement on the plat.

NOTATIONS

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

BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 1st day of August 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Deed Description Recording #219120728, Page 8

Parcel A: A tract of land located in the Southwest one-quarter of the Northwest one-quarter and the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Commencing at the South one-sixteenth corner of said Section and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Section, a distance of 270.00 feet to the point of beginning;

Thence continuing N 00 degrees 27 minutes 26 seconds W along said common line, a distance of 2384.23 feet to the North one-sixteenth corner of said Sections;

Thence N 89 degrees 23 minutes 54 seconds E along the North one-sixteenth line of said Section 7, a distance of 1681.21 feet to the Northwest one-sixteenth corner of Section 7;

Thence S 00 degrees 02 minutes 01 seconds W along the West one-sixteenth line of said Section 7, a distance of 1325.09 feet to the West one-sixteenth corner of said Section 7;

Thence S 00 degrees 02 minutes 13 seconds W along the West one-sixteenth line of said Section 7, a distance of 111.51 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of Southwest one-quarter of said Section 7, a distance of 1608.91 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 944.10 feet;

Thence S 89 degrees 16 minutes 27 seconds W along a line parallel to the South line of the Northwest one-quarter of the Southwest one-quarter of said Section 7, a distance of 60.00 feet to the point of beginning.

Parcel B: A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 7, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the South one-sixteenth corner of said Section 7, and Section 12, Township 11 South, Range 66 West of the 6th P.M.;

Thence N 00 degrees 27 minutes 26 seconds W along the common aliquot line of said Sections, a distance of 270.00 feet;

Thence N 89 degrees 16 minutes 27 seconds E along a line parallel to the South one-sixteenth line of Section 7, a distance of 807.42 feet;

Thence S 00 degrees 27 minutes 26 seconds E along a line parallel to the West line of Section 7, a distance of 270.00 feet;

Thence S 89 degrees 16 minutes 27 seconds W along the South one-sixteenth line of Section 7, a distance of 807.42 feet to the point of beginning.

