

**EL PASO**  **COUNTY**  
**COLORADO**

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

May 12, 2020  
ATTN: Ronnie Mize

RE: Administrative Determination for 15690 Fools Gold Lane

File: ADM-20-012  
Parcel ID: 6128404021

Dear Mr. Mize:

A request has been made for an administrative determination regarding the above referenced parcel to confirm that the property is considered legally nonconforming with regards to lot size pursuant to the El Paso County Land Development Code (2019).

**Compliance with Subdivision Regulations:**

In order to determine if the property is considered nonconforming, it must first be confirmed as a legal lot.

The property is a result of a merger of three properties that were legally created via plat on June 18, 1926. The property is 2.09 acres and is located within the RR-5 (Residential Rural) zoning district which requires a minimum lot size of 5-acres.

**Compliance with Zoning Regulations:**

Section 1.15 of the Code defines a "Nonconforming Lot" as follows:

"A nonconforming lot is a legally created lot or parcel of land which due to subsequent amendments of this Code, right-of-way acquisition by a government entity, or to the zoning or rezoning of the lot or parcel, does not conform with the minimum lot area requirement of this Code."

The lot size is considered nonconforming because it was legally created prior to the adoption of the County's subdivision regulations and was legally existing when zoning was implemented.

Section 5.6.7 of the Code sets forth specific review criteria in order to determine if a nonconforming lot may be considered conforming:

**Determination of Conformity.** To determine a nonconforming lot as conforming, all the following criteria shall be met, as applicable:

- The creation of the lot or parcel was in conformance with all applicable regulations at the time of its creation;

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

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*The lot meets this criteria due to its creation date (6/18/1926) preceding the adoption of subdivision and zoning regulations (zoning was first initiated for the parcel on 1/4/1955).*

- The lot or parcel is currently in compliance with all use regulations and conditions and restrictions of any applicable special use or variance of use;  
*No special use or variance of use approval has been issued for the parcel and the applicant has not indicated an intent to initiate such an application.*
- The lot or parcel complies with the requirements and criteria of the merger by contiguity provisions of this Code;  
*This criteria has been met and the applicant has already merged the three contiguous lots into one lot (File No. MER-20-003).*
- All contiguous legal lots under the same ownership have been combined through a merger by contiguity process to create a zoning lot unless the PCD Director has authorized a remainder lot or parcel to be considered nonconforming;  
*This criteria has been met and the applicant has already merged the three lots under the same ownership into one lot.*
- For existing dwellings, verification provided by an El Paso County Certified Inspector that there is no evidence of wastewater related issues or that any wastewater issues are being remedied;  
*There is no existing dwelling or septic system on this property, however, the applicant has provided a copy of a septic permit.*
- For a new dwelling, a soils test has been submitted demonstrating sufficient area for the onsite wastewater treatment system and a private well to be installed meeting all internal and external lot minimum horizontal setback requirements;  
*The applicant has provided a copy of a valid well permit (Permit Number: 316080) and septic permit (Permit Number: ON0050423).*
- For a new dwelling, documentation of water availability, including but not limited to, a copy of the well permit, evidence of a water tap, or a copy of a water commitment letter has been provided;  
*The applicant has provided a copy of the approved well permit.*
- At least 30% of the zoning lot is considered buildable after exclusion of land identified as containing 100-year floodplain and 30% slopes;  
*Per County GIS data, the property does not include any area containing the 100-year floodplain. Slopes exceeding 30% comprise approximately 5% of the property per GIS data, leaving approximately 95% of the property as buildable.*
- The lot or parcel meets one of the following lot size requirements:
  - Central water and sewer are both provided, and the area of the zoning lot is at least 20,000 square feet, or is 60% of the minimum lot area required by the applicable zoning district, whichever is less, or;
  - Central water is provided, but central sewer is not provided, and the area of the zoning lot is at least 20,000 square feet, or;
  - No central water or central sewer is provided and the area of the zoning lot is one acre or more.

*The property meets the third criteria as no central water or central sewer is provided and the area of the parcel is 2.09 acres in size.*

**Discussion and Conclusion:**

The parcel is considered a nonconforming legal lot due to it being created prior to El Paso County adopting subdivision and prior to zoning and is considered conforming regarding lot size.

Any proposed development shall comply with all other applicable County, State, and Federal regulations.

If you have any questions or concerns regarding this determination, please contact myself or Rad Dickson, Planner, at (719) 520-6447 or Raddickson@elpasoco.com.

Sincerely,

A handwritten signature in black ink that reads "Craig Dossey". The signature is written in a cursive style with a large, looping "C" and "D".

Craig Dossey  
Executive Director  
El Paso County Planning and Community Development Department

Notify Environmental Health of any change of ownership, type of business activity, business name, or billing address by calling (719) 578-3199. Failure to notify Environmental Health may result in late penalties, Permit/License denial or revocation, and business closure. PERMITS/LICENSES TO OPERATE AND ANNUAL FEE PAYMENTS ARE NOT TRANSFERABLE. Permits become void on change of ownership. New owners must apply and pay for a new Permit(s)/License(s) prior to beginning operation.

Attn: RONALD MIZE  
15690 FOOLS GOLD LN  
COLORADO SPRINGS, CO 80921



**EL PASO COUNTY PUBLIC HEALTH**  
**ENVIRONMENTAL HEALTH DIVISION**  
1675 W. GARDEN OF THE GODS ROAD, SUITE 2044  
COLORADO SPRINGS, CO 80907  
PHONE: (719) 578-3199 FAX: (719) 578-3188  
[www.elpasocountyhealth.org](http://www.elpasocountyhealth.org)

## NEW SYSTEM PERMIT - OWTS

Valid From 5/6/2020 To 5/6/2021

PERMITEE :

**RONALD MIZE**  
15690 FOOLS GOLD LN  
COLORADO SPRINGS, CO 80921

Onsite ID: ON0050423

Tax Schedule # : 6128404021

Permit Issue Date: 05/06/2020

Dwelling Type: RESIDENTIAL

OWNER NAME :

**RONALD MIZE**

# of Bedrooms (if Res): 5

Proposed Use (if Comm):

Designed Gallons/Day:

Water Source: PRIVATE WELL

### System Installation Requirements:

- A Conventional non-engineered OWTS system to be installed on site, requiring a minimum of Tier I licensed installer to be named prior to final approval.
- System installation includes gravity fed system with d-box to chamber in trenches, max installation depth of 48". Minimum tank requirements 1500 gallon and 840 sq ft of soil treatment area (70 Q4 / 56 Arc 36 chambers required).
- The system must be installed per approved GeoQuest LLC non-engineered design document #19-0918 signed and dated 4.27.2020, changes to the approved design document must be submitted and approved by Public Health prior to installation.
- All horizontal setbacks must be maintained through system installation. In addition system must remain completely uncovered, including the tank size, for final inspection.
- The well must be installed at time of final inspection, or final approval will not be given until well installation is verified.
- Ensure that all work is completed prior to contacting and requesting final line for inspection, otherwise additional fees may be incurred.

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This permit is issued in accordance with 25-10-106 Colorado Revised Statutes. The PERMIT EXPIRES upon completion/installation of the Onsite Wastewater Treatment System, or at the end of twelve (12) months from date of issue, whichever occurs first. If both a Building Permit and an Onsite Wastewater Treatment System Permit are issued for the same property and construction has not commenced prior to the expiration date of the Building Permit, the Onsite Wastewater Permit shall expire at the same time as the Building Permit. This permit is revocable if all stated requirements are not met. The Onsite Wastewater Treatment System must be installed by an El Paso County Licensed System Contractor, or the property owner.

The Health Officer shall assume no responsibility in case of failure or inadequacy of an Onsite Wastewater Treatment System, beyond consulting in good faith with the property owner or representative. Access to the property shall be authorized at reasonable time for the purpose of making such inspections as are necessary to determine compliance with the requirements of this law (permit).

**Inspection request line: Call (719) 575-8699 before 3:30 p.m. the business day prior to the requested inspection date.**

*Neil Mayes*

Authorized By: Environmental Health Specialist



ORIGINAL PERMIT APPLICANT(S)

RONALD MIZE

APPROVED WELL LOCATION

Water Division: 2      Water District: 10  
Designated Basin: N/A  
Management District: N/A  
County: EL PASO  
Parcel Name: BLACK FOREST PARK  
Lot: 15, 16, 17      Block: 2      Filing:  
Physical Address: 15690 FOOL'S GOLD LANE COLORADO  
SPRINGS, CO 80921  
SE 1/4 SE 1/4 Section 28 Township 11.0 S Range 66.0 W Sixth P.M.

AUTHORIZED AGENT

BARNHART PUMP COMPANY

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 519279.0      Northing: 4323336.0

**PERMIT TO CONSTRUCT A NEW WELL**

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT  
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 2.09 acres described as Lots 15, 16 and 17, Block 2, Black Forest Park Subdivision, El Paso County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) Production from this well is restricted to the Dawson aquifer, which corresponds to the interval between 80 feet and 760 feet below the ground surface. Plain casing shall be installed and grouted to prevent production from other zones. Wells completed in the Dawson aquifer must be constructed in accordance with Well Construction Rule 10.4.6 (2 CCR 402-2) for a Type II aquifer.
- 6) The maximum pumping rate of this well shall not exceed 15 GPM.
- 7) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: To insure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us>

NOTE: Should any of the lots referenced on this permit be sold individually, the owner of the lot upon which the well is constructed must obtain a new permit for the remaining lot(s) and land area.

Date Issued: 1/2/2020

Expiration Date: 1/2/2022

Issued By: SHANNON PORTER