

EL PASO

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)



COUNTY

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

April 16, 2019

Patricia McCarthy
5150 Log Road
Peyton, CO 80831

RE: Administrative Determination for 5150 Log Road

File: ADM-19-003
Parcel ID: 3300000228

To Whom It May Concern:

The property owner has requested administrative determination regarding the applicability of the El Paso County Subdivision Regulations to the proposed conveyance of 35 acres of land (by deed) from an existing 125.38 acre parcel. The subject parcel is located at 5150 Log Road and is within the A-35 (Agricultural) zoning district.

The El Paso Land Development Code (2019) defines subdivision as follows (emphasis added):

Any parcel of land in unincorporated El Paso County which is divided into 2 or more parcels, separate interests, or interests in common, including land to be used for condominium, apartments or any multiple dwelling units, unless the land when previously subdivided was accompanied by a filing which complied with the provisions of this Code with substantially the same density. The term "subdivision" shall not apply to any division of land which creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners, C.R.S. § 30-28-101(1 0)(b). Unless the method of disposition is adopted for the purpose of evading C.R.S. §§ 30-28-101, et. seq., the term "subdivision", as defined above, shall not apply to (1) any division of land the BoCC determines is not within the purposes of C.R.S. §§ 30-28-101, et. seq.; or (2) any division of land which (a) creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any parcel, results in 35 or more acres per interest; (b) is created by a lien, mortgage, deed of trust or any other security instrument; (c) could be created by any court in this State pursuant to the law of eminent domain, or by operation of law, or by order of any court in this State if the BoCC is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of this Code prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court; (d) is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity; (e) creates cemetery lots; (f) creates

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



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

www.ELPASOCO.COM

an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; (f) is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this Section as only one interest; (g) is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code and any applicable County regulations, the land which is to be acquired pursuant to the contract; (h) is created by the combination of contiguous parcels of land into one larger parcel. Easements and rights-of-way shall not be considered interests for purposes of this definition.

The applicant is requesting to create a parcel that is 35.003 acres in size, and is not divided into multiple interests or ownership; therefore, the proposed conveyance of land does not meet the definition of subdivision and is not subject to the El Paso County subdivision regulations as described in Section 7.2.1 of the Land Development Code.

The dimensional standards of the A-35 (Agricultural) zoning district, as depicted in Table 5-4 of the Land Development Code, are as follows:

Minimum Lot Size: 35 Acres
Minimum Lot Width at the front setback line: 500 Feet
Front Setback: 25 Feet
Rear Setback: 25 Feet
Side Setback: 25 Feet

The proposed division will create a parcel comprised of 35.003 acres and is 577 feet wide at the front setback line causing it to be in compliance with the minimum lot size and lot width at the front setback line. Any proposed development and/or structures shall comply with the minimum setback requirements specified in Table 5-4. All proposed uses must be permitted by the Land Development Code. Permitted principal and accessory uses for the A-35 (Agricultural) zoning district and reference to use specific standards can be found in Tables 5-1 and 5-2 of the Land Development Code. 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 Lindsay Darden, Planner II, at (719) 520-6302 or lindsaydarden@elpasoco.com.

Sincerely,



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