

EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

September 14, 2020

Megan Bucy
P.O. Box 88043
Colorado Springs, Colorado 80908

Chuck Broerman
09/16/2020 03:24:53 PM
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El Paso County, CO



220144350

RE: ADM-19-49 Administrative Determination; MER-20-004 Merger by Contiguity
13035 Black Forest Road and 6850 Brentwood Drive

Parcel Nos: 5208264004 and 5208267001

To Whom It May Concern:

Parcel nos. 5208264004 and 5208267001 are contiguous parcels under the common ownership of Megan Bucy. These parcels consist of multiple lots and/or tracts within the Brentwood Country Club and Cabin Sites Tract No. 1 (Plat no. 871, recorded in August 1926), which are further described below. A request has been made to the El Paso County Planning and Community Development Department (PCD) for a determination of conformity for lot size. The applicant has submitted an associated request to merge the individual lots and/or tracts that are included in the parcel numbers listed above to create one (1) zoning lot. Authorization for a building permit is contingent upon a parcels' compliance with both the subdivision and zoning regulations of the El Paso County Land Development Code (2019).

Compliance with Subdivision Regulations

6850 Brentwood drive (Parcel no. 5208264004) includes Block 53 Lots 1, 2, and 3 and vacated portions of Ann Street between Block 52 and Block 53. Based on the assessor's records, the vacation of Ann Street occurred by resolution in 1939 and was recorded in Book 968. 13035 Black Forest Road (Parcel no. 5208267001) includes Block 52 Lots 1, 2, 5, and 6. The parcels were originally platted on August 16, 1926.

Section 1.15 of the Land Development Code defines a "Legal Lot" as:

"A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972."

The legal description and acreage of the parcels have remained unchanged since June 4, 1963; therefore, the parcels are considered legal lots because they were established prior to the subdivision regulations that went into effect on July 17, 1972.

Compliance with Zoning Regulations

The parcel is within the RR-5 (Residential Rural) zoning district and requires a minimum lot size of five (5) acres. A merger by contiguity was submitted and has been reviewed concurrently to

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



COLORADO SPRINGS, CO 80910-3127
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create one zoning lot. After the merger the zoning lot created will be 1.64 acres, therefore, the property is considered non-conforming to the minimum lot size required by the zoning district.

Chapter 1 of the Land Development Code defines a "Nonconforming Lot" as:

"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. "

Section 5.6.7 of the Code provides that a nonconforming lot be considered conforming if the PCD Director determines the following criteria is met:

1. The creation of the lot or parcel was in conformance with all applicable regulations at the time of its creation;
As discussed above, the parcels were legally created prior to the subdivision regulations and are considered legal divisions of land. The merger will result in the creation of one legal zoning lot.
2. 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 uses or variances have been requested or approved.
3. The lot or parcel complies with the requirements and criteria of the merger by contiguity provisions of this Code;
The applicant has submitted a concurrent merger application to merge all of the contiguous lots under their ownership. This request is compliant with the merger by contiguity provisions of the Code.
4. 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 conforming.
The applicant has submitted a concurrent merger application to create one zoning lot.
5. 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. The previous cabin located on parcel no. 5208267001 was destroyed in the Black Forest Fire. The existing septic system was abandoned.
6. 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 submitted a OWTS report to demonstrate that sufficient area is present to install a new septic system.
7. 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;
A copy of the well permit (Permit No. 292157) was provided by the applicant.
8. At least 30% of the zoning lot is considered buildable after exclusion of land identified as containing 100-year floodplain and 30% slopes.
The entirety of the lot is outside of the slope area and considered buildable and no portion of the lot contains the floodplain.
9. 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 is not serviced by central water or central sewer; however, the total area of the zoning lot created by the merger will be approximately 1.64 acres.

Discussion and Conclusion

Based on the criteria above, the zoning lot created by the merger will meet the minimum lot size requirement for a nonconforming lot to be considered conforming.

It is the determination of the PCD Director that the newly created 1.64 acre zoning lot meets the applicable criteria found in Section 5.6.7 of the El Paso County Land Development Code (2019) and shall be considered conforming. This determination is contingent upon the recordation of the merger to create one zoning lot (PCD File No. MER-20-004).

Sincerely,



Craig Dossey
Executive Director
El Paso Planning and Community Development Department

cc: Lindsay Darden, Planner II
ADM-19-49

Enclosures
OWTS Report
Well Permit

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3561

WELL PERMIT NUMBER 292157 - A
DIV. 2 WD 10 DES. BASIN MD

APPLICANT

Lot: 1-2 Block: 52 Filing: Subdiv: BRENTWOOD COUNTRY CLUB & CABIN SITES

MEGAN BUCY
C/O BARNHART PUMP CO
5015 BLANEY RD E
PEYTON, CO 80831-

(719) 495-2912

APPROVED WELL LOCATION

EL PASO COUNTY
SW 1/4 NW 1/4 Section 8
Township 12 S Range 65 W 6th P.M.

DISTANCES FROM SECTION LINES

2375 Ft. from North Section Line
121 Ft. from West Section Line

UTM COORDINATES (Meters Zone: 13 NAD83)

Easting: 525960 Northing: 4319129

PERMIT TO CONSTRUCT A 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 ensure 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)(c) for the relocation of an existing well, permit no. 292157. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety-one (91) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than one (1) single family dwelling, the irrigation of not more than 3,000 square feet of home gardens and lawns, and the watering of domestic animals and poultry. This well is to be located on a 0.94 acre parcel of land described as lots 1-2 & 5-6, block 52, Brentwood Country Club & Cabin Sites, El Paso County.
- 5) The total depth of the well shall not exceed 670 feet, which corresponds to the base of the Dawson aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

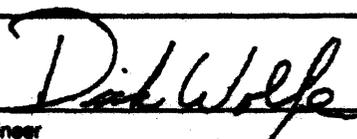
NOTICE: This permit has been approved for (change type?). You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

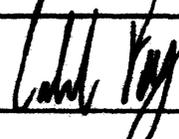
NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Test 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: The Notice to Appeal, above, should reference the following change: the approved well location was determined by applying a move of 40' east from the location of existing permit no. 292157 (CRF 8/21/2013)

APPROVED
CRF


State Engineer


By

Receipt No. 3661210B

DATE ISSUED 08-01-2013

EXPIRATION DATE 08-01-2015



6825 Silver Ponds Heights #101
Colorado Springs, CO 80908
(719) 481-4560

To Whom It May Concern,

Attached are the results of the Profile Pit Evaluation performed for your site. **Completion of the report does NOT automatically place you in the queue to complete a design.** We require the following information is provided to us prior to placing a job in the queue.

1. Accurate number of bedrooms either proposed or existing in the house. Be sure to include all rooms with closets.
2. Designs for new construction also requires submittal of a site plan. This shall include at a minimum the following: all property lines dimensioned with lengths and angles, accurate dimensions from the house to property lines and corners, proposed construction of all buildings, location of Well with dimensions from structures and property lines, location of driveway, drawings **MUST** be to Scale, and slope or topography lines. **Additional fees will be assessed for incomplete and unclear site plans.** A surveyor's CADD file is preferred (.DWG or .DXF). It is your responsibility to provide correct information. Additional fees will be assessed if any information changes.
3. Site plans that are provided as DWG / DXF Files are exempt from redrawing fees. PDF Files of Surveyor's Site Plans for New Builds **WILL** incur a \$50 Redrawing Fee. Hand drawn Site Plans for New Builds **WILL** incur a \$200-\$400 Redrawing Fee and a site walk will be required. Septic Repair Designs do **NOT** incur Additional Fees.

Please read the evaluation to determine if the system for your site shall be designed by a licensed engineer or if a conventional design is allowed. If a conventional system is allowed, a design document is still required by the health department, this may be provided by an engineer, installer, or builder familiar with On-Site Wastewater Treatment System (OWTS) regulations. OWTS Designs and Record Drawings are done at an additional cost. Please contact the office for pricing. If installing in El Paso County, an Engineer's Record Drawing (additional fee) is required for final acceptance by the health department. If installing in a different county please verify with the installer who will be completing the Record Drawing. We are happy to complete this for an additional fee.

Per county and state regulations, the Soil Treatment Area (STA), commonly referred to as the leach field, shall be installed adjacent to the test pit locations. **Any alteration or deviation from the tested locations will require additional testing at an additional cost.**

The homeowner shall be made aware of the responsibilities of owning a septic system. Please contact your local health department for homeowner responsibilities and Do's and Don'ts.

Geoquest, LLC provides no warranty for the evaluation or design (should this be completed). This evaluation and design have been prepared in compliance with the state and the local governing public health department's regulations. However, the test procedures are limited in determining soil absorption across the proposed STA. Many factors contribute to soil absorption outside of our control as well as unknown water usage. It is important to follow proper OWTS installation practices to minimize risk.

Please feel free to contact us at (719) 481-4560, if you have any questions.



6825 Silver Ponds Heights #101
Colorado Springs, CO 80908
(719) 481-4560

PROFILE PIT EVALUATION

FOR

SPOTTED DOG EXCAVATING

JOB #20-0859

Lots #1, 2, 5 & 6, Block #52,
Brentwood Country Club Subdivision,
13035 Black Forest Road,
El Paso County,
Colorado

Sincerely,

Douglas J Pretzer

Douglas J. Pretzer, P.E.
Civil Engineer



PROFILE PIT FINDINGS

Enclosed are the results of the profile pit for the septic system to be installed at **Lots #1, 2, 5 & 6, Block #52, Brentwood Country Club Subdivision, 13035 Black Forest Road, El Paso County, Colorado**. The location of the test pit was determined by Spotted Dog Excavating. The residence will not be on a public water system. The number of bedrooms in the design for the residence is unknown. Due to the natural slope of the property, the entire system will feed to the northwest at approximately 6% at least 20 feet. All applicable portions of the El Paso County Health Department Onsite Wastewater Treatment System Regulations (OWTS) must be complied with for the installation of the treatment system.

The inspection was performed on August 11, 2020, in accordance with Table 10-1 of the E.P.C.P.H. OWTS Regulations.

Soil Profile #1:

- 0 to 6" - Topsoil - loam, organic composition.
- 6" to 34" - USDA soil texture sandy loam, soil type 2A, structure shape massive, structure grade 0, non-cemented, LTAR 0.50, brown in color, 10 YR 4/3.
- 34" to 40" - USDA soil texture clay, soil type 4A, structure shape massive, structure grade 0, non-cemented, LTAR 0.15, very dark grayish brown in color, 10 YR 3/2.
- 40" to 8' - USDA soil texture sandy clay, soil type 4A, structure shape massive, structure grade 0, non-cemented, LTAR 0.15, light yellowish brown in color, 10 YR 6/4.

Soil Profile #2:

- 0 to 6" - Topsoil - loam, organic composition.
- 6" to 36" - USDA soil texture sandy loam, soil type 2A, structure shape massive, structure grade 0, non-cemented, LTAR 0.50, brown in color, 10 YR 4/3.
- 36" to 60" - USDA soil texture sandy clay, soil type 4A, structure shape massive, structure grade 0, non-cemented, LTAR 0.15, light yellowish brown in color, 10 YR 6/4.
- 60" to 8' - USDA soil texture sandy clay loam, soil type 3A, structure shape massive, structure grade 0, moderately cemented, LTAR 0.15, yellowish brown in color, 10 YR 5/6, redoximorphic features at 60 inches and below, sandstone.

Groundwater evidence was encountered at the depth of 60 inches in Profile Pit #2 during the inspection. Bedrock was encountered at the depth of 60 inches in Profile Pit #2 during the inspection. No known wells were observed within 100 feet of the proposed system. **All setbacks shall conform to county regulations.**

Due to encountering USDA soil type 4A, the septic system to be installed on this site shall be designed by a Colorado Licensed Engineer. Based on the observed conditions, we feel a design based on an LTAR of 0.15 GPD/SF (USDA 4A, treatment soil, treatment level 1) is reasonable. Maximum depth of the installation shall not be deeper than 12 inches below the existing grade.

If during construction of the field itself, subsurface conditions change considerably or if the location of the proposed field changes, this office shall be notified to determine whether the conditions are adequate for the system as designed or whether a new system needs to be designed.

Weather conditions at the time of the test consisted of partly cloudy skies with hot temperatures.

PROFILE PIT LOG - Profile Pit #1

JOB#: 20-0859
 DATE EVALUATED: 11 August 2020
 EQUIPMENT USED: MINI EXCAVATOR

0"-6" TOPSOIL

Loam
 Organic Composition

6"- 34" Sand

Fine-very coarse Grained
 Moderate-high Density
 Low Moisture Content
 Low Clay Content
 Low Cohesion
 Low Plasticity
 Brown Color
 10YR 4/3

USDA Soil Texture: Sandy Loam
 USDA Soil Type: 2A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Non-cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.50

34"- 40" Clay

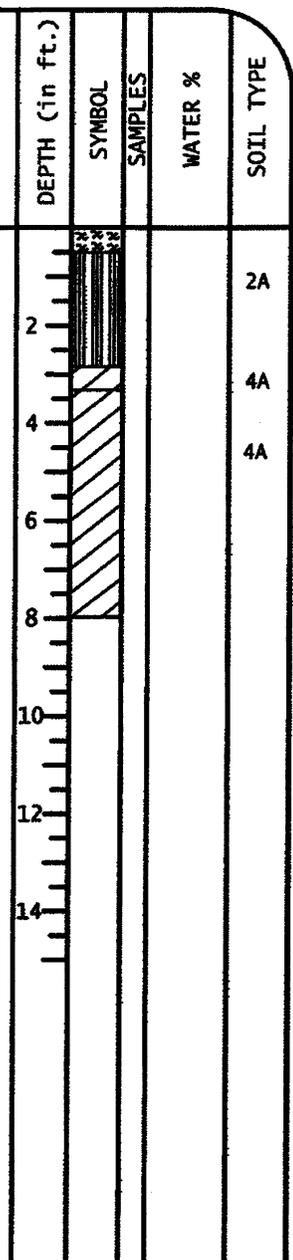
Fine-very coarse Grained
 Moderate-high Density
 Low-moderate Moisture Content
 High Clay Content
 High Cohesion
 High Plasticity
 Very Dark Grayish Brown Color
 10YR 3/2

USDA Soil Texture: Clay
 USDA Soil Type: 4A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Non-cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.15

40"- 8' Clay

Fine-very coarse Grained
 Moderate Density
 Moderate Moisture Content
 High Clay Content
 High Cohesion
 High Plasticity
 Light Yellowish Brown Color
 10YR 6/4

USDA Soil Texture: Sandy Clay
 USDA Soil Type: 4A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Non-cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.15



LTAR to be Used for OWTS Sizing: 0.15GPD/SF (USDA Type 4A, Treatment soil, Treatment Level 1)

Depth to Groundwater (Permanent or Seasonal): Not Encountered

Depth to Bedrock and Type: Not Encountered

Depth to Proposed Infiltrative Surface from Ground Surface: Max. 12" Deep (Gravity Fed)

Soil Treatment Area Slope and Direction: Northwest @ 6%

Note: See El Paso County Board of Health Regulation Chapter 8: On-Site Wastewater Treatments Systems (OWTS) Regulations for Additional Information. Refer to Table 10-1 for Corresponding LTAR if Treatment Level 2, 2N, 3, or 3N will be Implemented in the Design of the OWTS. System Sizing Depends on a Number of Factors (i.e. LTAR, # of Bedrooms, Type of Soil Treatment Area (STA), Method of Transfer to the STA (Gravity, Dosed, or Pressure Dosed), and Type of Storage / Distribution Media Used in the STA)

Project: 20-0859

Sheet: 1 of 2

Date: 17 Aug 2020

Scale: 1/4" = 1'

Drawn by: rah

Checked by: djp

Project Name and Address

Spotted Dog Excavating

13035 Black Forest Road
 Lots #1, 2, 5 & 6, Block #52
 Brentwood Country Club Subdivision
 Sch. No. 5208267001
 El Paso County, Colorado

GEOQUEST, LLC.

6825 SILVER PONDS HEIGHTS
 SUITE 101
 COLORADO SPRINGS, CO
 80908

OFFICE: (719) 481-4560
 FAX: (719) 481-9204

PROFILE PIT LOG - Profile Pit #2

JOB#: 20-0859
 DATE EVALUATED: 11 August 2020
 EQUIPMENT USED: MINI EXCAVATOR

0"-6" TOPSOIL

Loam
 Organic Composition

6"- 36" Sand

Fine-very coarse Grained
 Low-moderate Density
 Low-moderate Moisture Content
 Low Clay Content
 Low Cohesion
 Low Plasticity
 Brown Color
 10YR 4/3

USDA Soil Texture: Sandy Loam
 USDA Soil Type: 2A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Non-cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.50

36"- 60" Clay

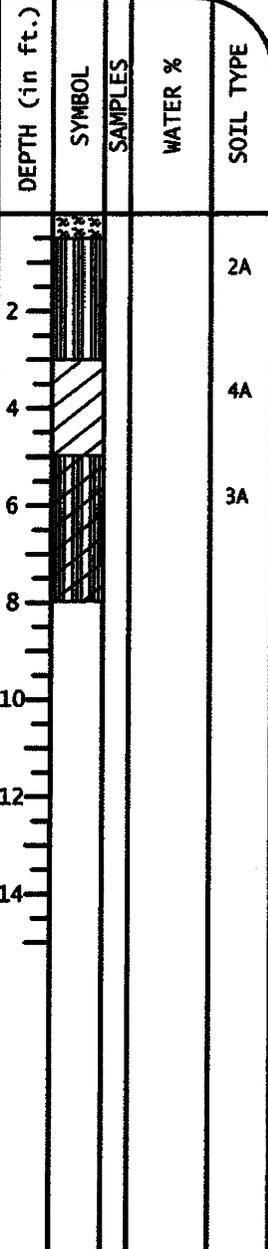
Fine-very coarse Grained
 Moderate Density
 Moderate-high Moisture Content
 High Clay Content
 High Cohesion
 High Plasticity
 Light Yellowish Brown Color
 10YR 6/4

USDA Soil Texture: Sandy Clay
 USDA Soil Type: 4A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Non-cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.15

60"- 8' Sandstone

Fine-coarse Grained
 High Density
 Low Moisture Content
 Moderate Clay Content
 Moderate Cohesion
 Moderate Plasticity
 Yellowish Brown Color
 10YR 5/6

USDA Soil Texture: Sandy Clay Loam
 USDA Soil Type: 3A
 USDA Structure Shape: Massive
 USDA Structure Grade: 0
 Cementation Class: Moderately cemented
 Long Term Acceptance Rate (LTAR, Treatment Level 1):0.15
 Redox @ 60" and Below



LTAR to be Used for OWTS Sizing: 0.15GPD/SF (USDA Type 4A, Treatment soil, Treatment Level 1)

Depth to Groundwater (Permanent or Seasonal): Seasonal @ 60"

Depth to Bedrock and Type: Sandstone @ 60"

Depth to Proposed Infiltrative Surface from Ground Surface: Max. 12" Deep (Gravity Fed)

Soil Treatment Area Slope and Direction: Northwest @ 6%

Note: See El Paso County Board of Health Regulation Chapter 8: On-Site Wastewater Treatments Systems (OWTS) Regulations for Additional Information. Refer to Table 10-1 for Corresponding LTAR if Treatment Level 2, 2N, 3, or 3N will be Implemented in the Design of the OWTS. System Sizing Depends on a Number of Factors (i.e. LTAR, # of Bedrooms, Type of Soil Treatment Area (STA), Method of Transfer to the STA (Gravity, Dosed, or Pressure Dosed), and Type of Storage / Distribution Media Used in the STA)

Project: 20-0859

Sheet: 2 of 2

Date: 17 Aug 2020

Scale: 1/4" = 1'

Drawn by: rah

Checked by: djp

Project Name and Address

Spotted Dog Excavating

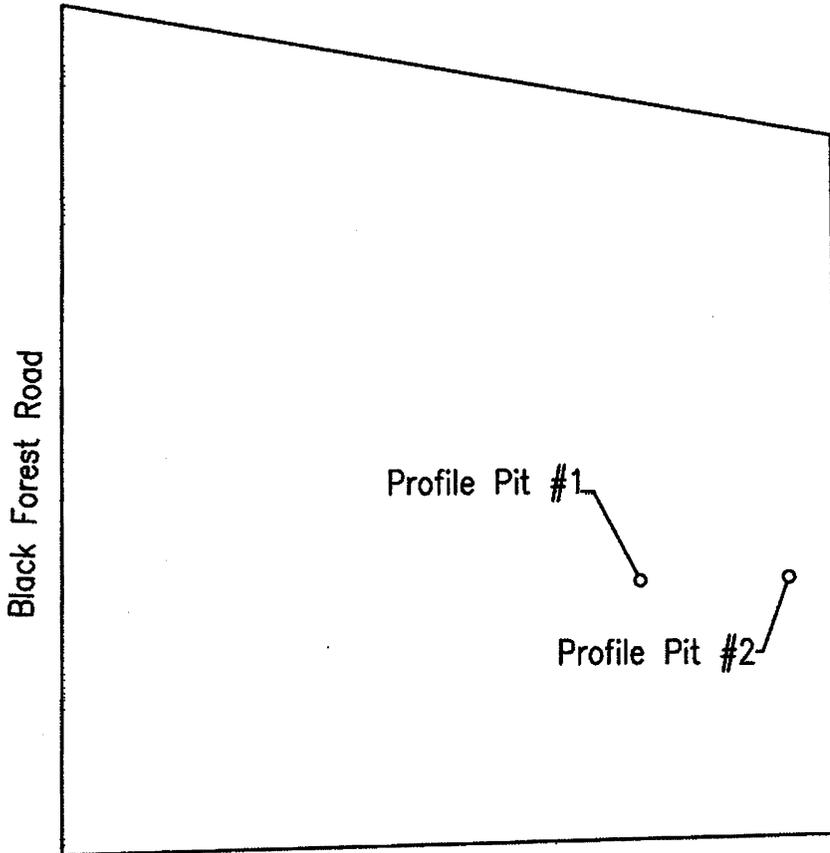
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 El Paso County, Colorado

GEOQUEST, LLC.

6825 SILVER PONDS HEIGHTS
 SUITE 101
 COLORADO SPRINGS, CO
 80908

OFFICE: (719) 481-4560
 FAX: (719) 481-9204

GEOQUEST LLC
SITE MAP
Lots #1,2,5&6, Block #52
Brentwood Country Club Subdivision
13035 Black Forest Road
El Paso County
Colorado
Job #20-0859



10 20 30 40 50
GRAPHIC SCALE IN FEET
SCALE: 1" = 50'

Location from Southwest Lot Corner to Profile Pit #1:
N. 65° E. - 164'
Location from Profile Pit #1 to Profile Pit #2:
Due E. - 40'
GPS Coordinates Profile Pit #1:
N. 39° 01' 14.1" , W. 104° 41' 59.3"
GPS Coordinates Profile Pit #2:
N. 39° 01' 14.1" , W. 104° 41' 58.8"