

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

August 19, 2020  
ATTN: Carl Galloway

RE: Administrative Determination for 8640 Nampa Road

File: ADM-20-028  
Parcel ID: 8315401001

Dear Mr. Galloway:

A request has been made for a 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 was legally created via plat (The Ute Pass Summer Homes Co. Subdivision No. 1 - Plat No. 812) on May 14, 1921. The property is 1.08 acres and is located within the R-T (Residential Topographic) zoning district which requires a minimum lot size of five (5) acres.

**Compliance with Zoning Regulations:**

Section 1.15 of the 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."

The lot size is considered nonconforming because it was legally created prior to the 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;

*The lot meets this criteria due to its creation date (May 14, 1921) preceding the adoption of subdivision and zoning regulations (zoning was first initiated for the parcel on April 27, 1967).*

- 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 a new one.*
- The lot or parcel complies with the requirements and criteria of the merger by contiguity provisions of this Code;  
*The applicant does not own any additional contiguous lots or parcels.*
- 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;  
*The applicant does not own any additional contiguous lots or parcels.*
- 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 an existing dwelling on this property and the applicant has provided a copy of the septic permit (Permit No. 4686)*
- 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 valid well permit (Permit No. 302681) and septic permit (Permit No. 4686).*
- 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 (Permit No. 302681)*
- 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 have any lands containing 100-year floodplain. Slopes exceeding 30% comprise approximately 0.05% of the property per GIS data, leaving approximately 99.95% 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. No central water or central sewer is provided and the area of the parcel is 1.08 acres in size.*

**Discussion and Conclusion:**

The parcel is considered a legal lot due to it being created prior to El Paso County adopting subdivision and zoning regulations 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 Lindsay Darden, Planner II, at (719) 520-6302 or [lindsaydarden@elpasoco.com](mailto:lindsaydarden@elpasoco.com).

Sincerely,

A handwritten signature in black ink that reads "Craig Dossey". The signature is written in a cursive, flowing style.

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