

April 5, 2018

Mr. Steve Hunsinger
Olive Real Estate Group, Inc.
102 N Cascade Ave, Suite 250
Colorado Springs, CO 80903

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RE: Onsite Wastewater Treatment Systems
10140 Otero Ave, Tax Schedule Number (TSN) 6228004012
10150 Otero Ave, TSN 6228004011
10240 Otero Ave, TSN 6228004010

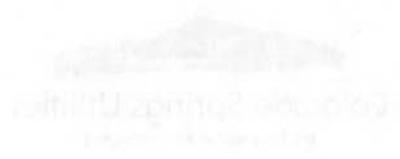
Dear Mr. Hunsinger:

Colorado Springs Utilities (Springs Utilities) has reviewed the proposed redevelopment of your properties at 10140, 10150 and 10240 Otero Avenue, which would include replatting and rezoning three existing lots into five, smaller residential lots. According to your description, these lots will have onsite water and wastewater systems; however, prior to issuing Onsite Wastewater Treatment Permits (OWTS), El Paso County Health is requesting confirmation from Springs Utilities that the lots will not be required to connect to City wastewater due to their proximity to existing public wastewater mains. Our findings and subsequent position are outlined below.

There's an existing wastewater main located in Otero Avenue that fronts all of 10140 Otero Avenue – a portion traverses the southwest corner of the lot – has partial frontage along 10150 Otero Avenue's property line and is situated approximately 245 feet south of 10240 Otero Avenue's southern lot line. Currently, the three subject properties are ineligible to connect because they're located outside Colorado Springs city limits and Springs Utilities' Electric Service Territory.

City Code, Sections 12.5.401 and 7.6.204.C specifies connection requirements for properties located within 400 feet of an existing wastewater collection line, and stipulates water and wastewater services may not be extended into areas not presently within our Electric Service Territory, respectively; therefore, the connection requirement is not applicable, and the properties would need to be incorporated into our Electric Service Territory in order to receive City water and/or wastewater service. Incorporating properties into the Electric Service Territory generally involves annexation into the City.

In conclusion and based on these circumstances, connection to Springs Utilities' Wastewater Collection System is not required, and Springs Utilities has no objection to El Paso County Health issuing revocable OWTS permits for these properties in their current state or following completion of proposed redevelopment activities.



Please contact me at 719-668-8119 or via e-mail at benglish@csu.org, if you have any questions, concerns or would like to further discuss the situation.

Sincerely,

Bryan T. English, PMP
Development Projects Manager
Colorado Springs Utilities

Enclosure (1): Colorado Springs City Code, Section 7.6.204 and 12.5.401

7.6.204: RIGHTS OF CITY:

- A. This part shall not be construed to create any rights or cause of action in any person or land, whether or not the same is eligible for annexation, to demand or receive water or wastewater or other municipal service. The City has never previously and does not now assert exclusive control over the right to serve areas outside the corporate limits of the City with water and wastewater. Areas and activities outside the corporate limits of the City are free to obtain water and wastewater services from any other sources.
- B. The right of the City Council to restrict and regulate the use of City water within or outside the City limits shall not be abridged by anything contained in this section. The City Council hereby declares the policy of the City to be that water belonging to the City is in no way allocated to a particular parcel of land until such land is developed and water applied to actual use upon such land. Nothing in this section shall be construed to confer upon undeveloped land within the City limits, as such City limits exist at the time of adoption of this section or as such City limits may be hereinafter altered by annexation or disconnection, any right to the preservation of existing water rights or quantities of water for the sole and exclusive use of such land.
- C. In the interest of the citizens of the City, City Council will not extend water or wastewater service into any area which is not presently included within the Utilities electric service area. An exception to this policy may be made if the area requesting service can be annexed to the City at the time of utility extension and included in the electric service area upon such annexation or for special contract service for water or wastewater services outside the City. (Ord. 96-44; Ord. 01-42; Ord. 10-75)

12.5.401: CONNECTION REQUIRED:

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a collection line of the City, is hereby required at the owner's expense to install suitable wastewater facilities therein, and to connect the facilities directly with the proper collection line in accord with the provisions of this article within ninety (90) days after official notice to do so, provided that the collection line is within four hundred feet (400') (122 m) of the property line. Under unusual circumstances such as unique topographical characteristics, the Executive Director, with El Paso County Department of Health and Environment approval, may waive the connection requirement herein stipulated. (Ord. 98-173; Ord. 99-162; Ord. 01-42)

Markup Summary

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