

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

June 12, 2023

RE: 6060 Coyote Lane ADM Lot Legality
File: ADM-23-016
PID: 3315000011

Dear Tracey Gold:

A request has been made for an interpretation regarding the above referenced parcel to confirm that the property is considered a legal division of land pursuant to the El Paso County Land Development Code (2022).

Section 1.15 of the 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; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulation in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulation in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity."

The property in question had a warranty deed recorded on July 17, 1964. The warranty deed created parcel number 3315000011 (current property). Since the property was created prior to July 17, 1972, it is considered a legal division of land.

Section 5.6.7 of the Code sets forth specific review criteria in order to determine the conformity of a lot:

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

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

-
- The creation of the lot or parcel was in conformance with all applicable regulations at the time of its creation;
The lot meets this criterion due to its creation date preceding the adoption of subdivision regulations. The lot was created on July 17, 1964 (Exhibit A).
 - The lot or parcel is currently in compliance with all use regulation 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;
This criterion does not apply as the applicant does not own any adjacent property.
 - 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 criterion does not apply as the applicant does not own any adjacent property.
 - 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;
The property currently has an approved septic permit (permit number is 5025)
 - 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;
This criterion does not apply as the applicant is not currently constructing a new dwelling.
 - 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;
This criterion does not apply as the applicant is not currently constructing a new dwelling.
 - At least 30% of the zoning lot is considered buildable after exclusion of land identified as containing 100-year floodplain and 30% slopes;

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

Per El Paso County GIS data, the property does not have any lands containing the 100-year floodplain; 100% of the lot is not encumbered by 30% slopes.

- 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 lot meets this criterion as it is 10 acres.*

This parcel meets all the applicable requirements listed above to satisfy the requirements for a Determination of Conformity. The lot can be considered legal due to its July 17, 1964, creation, establishing it before the adoption of modern subdivision regulations on July 17, 1972.

Discussion and Conclusion:

The property was legally created prior to the adoption of the modern subdivision regulations and is therefore considered a legal division of land. The lot meets all applicable standards in Section 5.6.7 of the Land Development Code, Determination of Conformity, and is therefore considered conforming in regard to lot size. Any proposed new 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 Cristel Madden, Planner I at (719) 520-7964 or cristelmadden2@elpasoco.com

Sincerely,



Meggan Herington, AICP
Executive Director
El Paso County Planning & Community Development