

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 9th, 2023

ATTN: Fred Vollbracht
RE: Determination of Legality of Subdividing Lots on Pinery Circle
File: ADM-23-010
PID: 5204000036

A request has been made to determine the legality of creating a new 5-acre lot among three parcels owned by the same individual.

Background

Parcel 5205400036 totals approximately 22.56 acres in the RR-5 (Rural Residential) zoning district. This parcel was created after two previous parcels (PID's 5205400015 and 5205400035) were combined for tax purposes in 2015 at the request of the property owner. PID 5205400035 was created in 2003 after the combination of PID's 5205400010 and 5205400014. The three original parcels include PID's 5205400010, 5205400014, and 5205400015.

PID 5205400015 has a creation date of May 9th, 1972 (El Paso County Public Records, Book 2487, Page 664, Reception No. 884136). PID 5205400014 has a creation date of July 15th, 1959 (El Paso County Public Records, Reception No. 119332). No deed creating PID 5205400010 was found but the parcel appears on maps prior to July 17th, 1972.

All three original parcels are determined to be legal divisions of land. 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 regulations 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 regulations 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.



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Discussion and Conclusion:

The 22.56-acre parcel in question may be subdivided into four lots provided each lot can meet the standards Section 5.4 (Density and Dimensional Standards), Chapter 7 (Rules Governing Divisions of Land), and Chapter 8 (Subdivision Design, Improvements, and Dedications) of the Land Development Code. Section 7.2 (Subdivisions, Subdivision Exemptions, and Other Actions that Create or Modify Property Boundaries) contains more details on the Minor Subdivision process, including Criteria for Approval.

Before any application for subdivision can be accepted, the applicant is required to attend an Early Assistance Meeting to discuss the process and requirements in greater detail. Early Assistance Meetings can be scheduled at https://epcdevplanreview.com/Applications/Create_Email?Type=EA.

If you have any questions or concerns regarding this determination, please contact myself or Christian Haas, Planner I at ChristianHaas@elpasoco.com, (719) 520-6442.

Sincerely,

Justin Kilgore
Planning Review Manager
El Paso County Planning and Community Development