

EL PASO COUNTY



COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

August 23, 2021

ATTN: Tim Graber

RE: Merger 11750 Woodland Road
File: ADM-21-035 and MER-21-016
Parcel ID: 82174-04-020 and 82174-04-019

Chuck Broerman
09/03/2021 10:02:33 AM
Doc \$0.00 2
Rec \$18.00 Pages

El Paso County, CO



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Dear Mr. Graber:

A request has been made for an interpretation 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 (2021). In order to determine if the property is considered conforming, the parcel must first be confirmed as a legal lot.

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."

The Timber Ridge Subdivision Filing No. 1 was recorded on August 20, 1962 prior to zoning being initiated for this portion of El Paso County and prior to modern subdivision regulations. The Timber Ridge Subdivision Filing No. 1 included lots ranging in size from 0.6 acres to 3.27 acres. Timber Ridge Filing No. 1 was then replatted in 1997 to reduce the number of lots and decrease the nonconformity of the lot sizes by increasing the size of the lots. The subject property was legally platted as Lots 12 and 18, Timber Ridge Subdivision Filing No. 2, in 1997 (Plat #9373). Therefore, the lots are considered legal lots.

Compliance with Zoning Regulations for Conformity:

The property was zoned A-2 (Agricultural) on December 12, 1962, when zoning was first initiated for this portion of the County. The minimum lot size requirement for the A-2 zoning district was

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five (5) acres. Due to changes in the nomenclature of the Code, the A-2 district was renamed A-5 (Agricultural District). The A-5 zoning district also has a minimum lot size of five (5) acres. Lot 12 is 3.18 acres and Lot 18 is 3.78 acres in size. The total lot size will be 6.96 acres after the merger by contiguity is completed and the resulting lot size will be considered conforming.

Discussion and Conclusion:

The parcel is considered a legal lot due to the lots being legally platted as Lots 12 and 18, Timber Ridge Subdivision Filing No. 2 in 1997 (Plat #9373). After the merger by contiguity the lot size will be 6.96 acres, which exceeds the minimum lot size requirement of 5 acres in the A-5 zoning district. Therefore, the lot is considered conforming under the provisions therein.

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 Mercedes Rivas, Planner II, at (719) 520-6447 or Mercedesrivas@elpasoco.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Dossey". The signature is fluid and cursive, with the first name "Craig" and the last name "Dossey" clearly distinguishable.

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