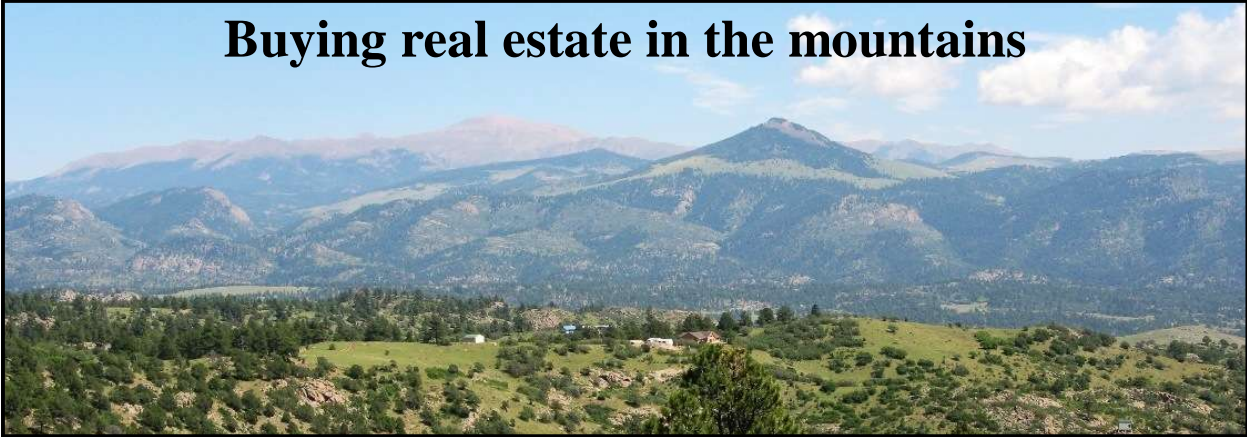


Buying real estate in the mountains



Buying and owning property in the mountains of Colorado requires a good knowledge of particular issues and a good real estate agent.

When you buy property in rural mountainous areas, like the central Rockies of Colorado, there are different issues to address than might be necessary when buying a home or some land in a metropolitan area.

It is important to be assisted by a real estate agent who is proficient in such issues as: **1) water availability and utilities, 2) well and septic systems, 3) zoning and protective covenants, 4) plat maps, 5) mining claims, 7) legal access** and many more – issues which are not always a factor in a city or flat-land environment.

In the mountains, several aspects of a property you may want to buy are already determined for you. The view, the access, the distance from the places you often visit, the zoning, the neighborhood and the exposure to the sun are some of the things you can no longer change once you have purchased the land or home. A good knowledge of these unchangeable aspects can help you determine what you *CAN* do to make the house you buy your home, or to build your dream home on a beautiful piece of land.

That's why a good, knowledgeable Realtor is indispensable.

For the rest of this discussion, the focus will be on vacant land since most of the issues involved have already been addressed once a residence has been built on a property.

Water Availability.

The availability of water in our high mountain region is what controls much of the development in Teller County. Water is a scarce resource, which makes this area an arid environment. If you buy a lot in a town where there is a public water supply, you can save on the expense of drilling a well. If you're building a new house, you will likely pay a **tap fee** to connect to the public water system. In some rural subdivisions, the local home owners' associations have created private water districts to supply water to their residents. They will charge a tap fee, too.

If public or private water systems are not available, you will most likely have to have a well drilled. Black Mountain Drilling in Divide is a good source for unbiased information about wells and well drilling in Teller County (719.687-5708).

Wells and Septic Systems.

First Wells. If you need to drill a well, the outcome is vastly different than drilling a well into an aquifer in the flat-lands. In the mountains, drillers are searching for water embedded in the crevices of bed rock. Most wells in Teller County have an average depth of 400 feet and produce about 3 gal./minute.



Water Rights. When water is found for a private well, the use of the water does not constitute a “water right.” Water rights in Colorado do not come with the land. Instead, the State owns all the water and grants “permission” to private residences and commercial users for limited use. So called “water rights” usually involve permission to remove so many acre-feet from a specified source. Such water rights are traded separately from the land, and special water courts have been established in Colorado just to deal with disputes over water rights.

Two Types of Residential Wells. For residential use, there are two types of wells: **household wells** and **domestic wells**. The well classification has no relationship to the rate of production. Rather, it describes the limitation on legal use of the water.

A **household well** permits the property owner to use the water inside the house. In the strictest sense, this means that you cannot wash your car, water your horses, water your lawn or plants or use any of the water for outside purposes. While these limitations may not be strictly enforced most of the time, if there ever was a severe drought, that may change. Usually, lots of less than 35 acres have household wells.

A **domestic well** allows water uses inside and outside the home. Not only does it allow the watering of animals, but it also permits the watering of up to one acre of crops (including your lawn). Lots of 35 acres or

greater are pretty much guaranteed a domestic well permit from the State, if applied for.

How much water do you need? A typical family uses about 70 gallons of water a day per person. For a family of four, that equates to about 280 gallons per day, or approximately 0.2 gallons per minute. Depending upon the actual household rate of use, even low producing wells (those producing less than three gallons per minute) may sometimes be quite adequate. In order to understand mountain wells and the information on a well report, a few terms need to be defined.

The **Total Well Depth** is the total depth that was drilled.

The **Static Level** is the level below the ground surface that the water rises in the pipe or bore hole.

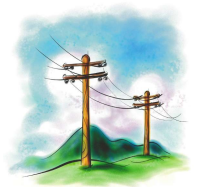
The **Pump Level** is the level of the pump intake as measured from the surface (usually near the bottom of the bore hole).

If you subtract the **Static Level** from the **Pump Level**, you get the general height (or storage level) of the usable column of water in the well. Multiply the height in feet by 1.5 to determine the reserve of water available in gallons to the home. For example, if a well is 300 feet deep, the **Static Level** is 50 feet and the **Pump Level** is 280 feet (meaning the pump was installed 20 feet above the bottom of the well – minimizes chances of collecting sediments), then the column of useable water reserve is 230 feet, or 345 gallons ($300 - 20 - 50 = 230$ feet; $230 \times 1.5 = 345$ gal.).



Septic Systems.

In a city or town environment your home or land will connect to a public sewer system. But in the rural areas of Teller County, the most common (in fact the only permitted) form of sanitation is the septic system. The most common septic system includes a tank to hold solids and dispense liquids into the ground and a leeching field – a series of buried perforated pipes to promote evaporation and replenishment of the liquids into the ground. In rocky terrain, other forms of septic systems are used, at greater expense for installation. The size of the septic tank is determined by the number of bedrooms in a home.



Available Utilities

The nearness of utilities like electric, telephone or natural gas will have a major impact on the price of a property.

Many vacant land properties are “off the grid” or are some distance away from (primarily) electricity. The cost to extend power to outlying areas, or to install solar energy systems and backup generators is very expensive.



Zoning

Zoning determines uses you can employ for your land and how you can build on it. In Teller County we generally find several types of vacant land – platted land in the towns or rural subdivisions, and unplatted land in the more rural areas of the county. Both types are certainly subject to the County’s zoning and building codes. There is also a third category, mining claims, which will be discussed later.

Zoning on residential lots is generally R-1 or R-1M. If the land is zoned R-1, you cannot live in a mobile home or RV on a permanent basis on the land. You may still be

able to spend summers there camping in your RV, but local covenants may restrict the time. To live in a mobile home (like a double-wide) or RV permanently, the zoning needs to be R-1M, as is found, for example, in the Indian Creek subarea just north of Florissant.



Covenants

You may think that covenants are a restriction on the freedom of use of your land, but without covenants your neighbors may decide to do something or build a structure that is offensive or devalues your property. Maybe your neighbor wants to shoot target practice with his firearms from his back deck, or decides to start a pig farm or a horse-boarding business. Or, maybe he just builds a shack (or pulls in a mobile home) instead of a regular home. Without zoning regulations and covenants, the actions of your neighbors may detract from the anticipated peaceful enjoyment of *your* property.



Platted vs. Unplatted

Platted lots in a town or in rural subdivision, are drawings of individual lots showing the dimensions, boundaries, acreage and easements. Lots sizes are determined generally by the developer of the subdivision. Unplatted parcels are undeveloped land and are described by a metes and bounds legal description or by section, township relationships.



Mining Claims

In Teller County, where the World’s Greatest Gold Camp once flourished in the Cripple/Victor area, there are thousands of pieces of land (mining claims) that overlap, dunk over or under other claims in patchwork

fashion that can be very confusing. When you buy a mining claim, you may either receive only the surface rights or the mineral rights, or both. It depends on the legal description. If only surface rights, the claim is treated like most agriculturally zoned land, but the important thing is to make certain that you have deeded legal access.

What constitutes legal access?

Teller County has recently adopted the international building and zoning codes which requires that legal access to a vacant land be established before any building permit can be granted to build a residence. Legal access can be established by the adjacency of the land to a publicly maintained road, or through easements and/or rights-of-way that have been recorded with the County Clerk.

If you don't have legal access to a property, you are technically trespassing on someone else's property to get to it. While the State of Colorado has laws which do not allow blocked access to property, that access must be confirmed by a court of law.

So establishing legal access to a property is also a very important factor in the usability and price of the land.

By David Martinek



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