

SECTION 4 – SUBDIVISION REGULATIONS

4.1 GENERAL

Any division of land should be carefully considered. It is much easier to divide land than to re-assemble parcels for future conservation and development. ¹

4.2 SKETCH PLAN³

4.3 PRELIMINARY PLAN⁴

4.4 FINAL PLAT⁵

4.5 RURAL LAND USE PROCESS SUBDIVISION

4.6 AMENDMENTS¹⁰

4.7 LOT CONSOLIDATIONS AND UN-CONSOLIDATIONS¹³

4.8 VACATION OF A RECORDED SUBDIVISION

4.9 SUBDIVISION EXEMPTION

4.10 APPLICATION FOR LEGAL LOT STATUS TO RESOLVE IMPROPERLY DIVIDED PARCELS

4.10.1 Purpose and Intent

To provide for an orderly manner of memorializing Improperly Divided Parcels of real property less than 35 acres in size and situated in Archuleta County, Colorado. This will allow property owners of those parcels to develop the land or receive use permits on the same.

4.10.2 Applicability

4.10.2.1 This Section applies to parcels of less than thirty-five (35) acres in size that were *not* created, for whatever reason, through a documented process that complies with C.R.S. 30-28-101 et. seq. If a parcel of this size is outside of a subdivision and was created after Sept 1, 1972 and before the adoption of these Land Use Regulations on May 23, 2006, this Section will apply.

4.10.2.2 If a parcel of this size was created after these Regulations were adopted, the parcel will be designated an Illegal Lot and will not be eligible for this process. In these cases, the parcel will be considered in violation as described in Section 1.4.2.1(3) Activities Without Permit or Approval. These violations can only be corrected via Subdivision Exemption Plat as in Section 4.9.

4.10.3 Submittal Requirements

The Development Director shall consider and act upon all complete Applications for Legal Lot Status as authorized by these Regulations. The Development Director may waive any of these application requirements or conversely, require additional documents if needed to thoroughly review the particular case and make a recommendation under these Regulations.

4.10.3.1 Completed copy of an Archuleta County Land Use Permit Application (available online or

provided by the Planning Department) and the non-refundable application fee.

4.10.3.2 Aerial map showing the entire parcel, improvements on the parcel, and all abutting parcels.

4.10.3.3 A narrative description of the history of the parcel and how it came into existence in its current form, with supporting documentation including copies of all deeds and/or purchase contracts back to its creation.

4.10.3.4 Proof of access to a public road by any of the following:

- (1) Recorded easement or right-of-way agreement;
- (2) Entitlement to use of private road;
- (3) Court decree;
- (4) Other legal entitlement to access.

4.10.3.5 Copy of vesting deed to the current owner.

4.10.3.6 Proof of all property taxes paid current.

4.10.3.7 A list of current uses on or of the property.

4.10.3.8 Septic and well permits (if applicable).

4.10.3.9 Certificate of Occupancy for structures built after 1996.

4.10.4 Review Procedure

4.10.4.1 Once the Application for Legal Lot Status is submitted, Planning Staff will review the request and notify the applicant within three (3) business days of application completeness.

4.10.4.2 The Planning Staff will then conduct an investigation to determine the conformance of the parcel regarding these Regulations and other County rules and ordinances. If the parcel does not meet the approval criteria listed in Section 4.10.5, the Development Director will deny the application, providing the applicant sufficient detail regarding what steps must be taken to remedy the situation so the applicant can re-apply at a later date or that they are not eligible for this program.

- (1) If an application is denied or conditionally approved by the Development Director, the applicant may request a hearing by the Planning Commission in writing within twenty (20) days after notice of the Development Director's action. The Development Director shall add the hearing to the Agenda for the next Planning Commission meeting that is at least thirty (30) days after the date the appeal notice is received by the Development Director.
- (2) If an application is denied or conditionally approved by the Planning Commission, the applicant will have the right to appeal for a public hearing before the Board of

County Commissioners. Again, the notice of appeal must be received by the Development Director in writing within twenty (20) days after the Planning Commission meeting. The appeal will be forwarded to the County Administrator to determine when the item will be placed on the agenda of the Board of County Commissioners at least thirty (30) days after the notice is received by the County Administrator.

(3) For all appeals, the public notice in accordance with Sections 2.2.3.1 and 2.2.3.2 shall be required.

4.10.4.3 For all parcels that are determined to be compliant with these Regulations, the Planning Staff shall prepare and submit a Certificate of Designation of Legal Lot Status for approval on the consent agenda at the next public meeting of the Planning Commission.

4.10.4.4 If there are conditions for approval recommended by the Planning Department, the Planning Commission shall review the case as part of their new business agenda.

4.10.5 Criteria for Approval

4.10.5.1 The premises are not subject to any unresolved enforcement action by Archuleta County;

4.10.5.2 The Property Taxes (real and personal) for the property are paid and no tax liens exist on the parcel;

4.10.5.3 The applicant and the parcel are in compliance with all other applicable County regulations (Section 1.4.3.1);

4.10.5.4 The parcel has proof of access to a public road by any of the following:

- (1) A recorded easement or right-of-way agreement;
- (2) Entitlement to use of private road;
- (3) Court decree;
- (4) Other legal entitlement to access.

4.10.5.5 The application and submitted documents do not contain a material falsehood or misrepresentation.

4.10.6 Certificate of Designation of Legal Lot Status

4.10.6.1 The Planning Department shall issue its Certificate of Designation of Legal Lot Status to applicants only for the purpose of establishing a Parcel as having been created or otherwise effectively complying with C.R.S. § 30-28-101 et seq.; and being exempt from minimum lot size for zoning requirements for which current land uses are to be treated as non-conforming as more specifically set forth herein below.

4.10.6.2 A Certificate of Designation of Legal Lot Status issued pursuant to these Regulations shall apply to a specific parcel of property; shall “run with the land” in perpetuity once it

is recorded with the Office of the Clerk and Recorder for Archuleta County, Colorado.

4.10.7 Effects on Legalized Parcels

4.10.7.1 Zoning for the parcel will remain as it was prior to the issuance of the Certificate of Designation of Legal Lot Status.

4.10.7.2 Current and future owners of the legalized parcel may apply for Land Use and Building Permits for their parcel in accordance with these regulations.

4.10.7.3 Boundary line adjustments (the moving of boundary lines without creating new parcels) are allowed on the legalized parcel without risk of losing legal lot status. However, creating new parcels must be accomplished using the proper subdivision process found in Section 4 of these regulations.