

CONEJOS COUNTY LAND USE OFFICE

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Contact: _____

Conejos County Land Use Code Subdivision Regulations Article 10-Division 10.7-Subdivision Exemptions

A division of land into two or more parcels is a "subdivision" and requires approval by the Board of County Commissioner under the regulations of the Conejos County Land Use Code. The term subdivision does not apply to any division of land that creates parcels of land where each parcel is 35 acres or more in size. The State of Colorado allows the County to exempt certain applications from the subdivision regulations; this is called a Division of Land Exempt from Subdivision Regulations.

Other subdivision processes: A Minor Subdivision allows creation of 3 to 6 lots from one (Article 10 - Division 10.3.). A Major Subdivision allows creation of 7 or more lots from one (Article 10 - Division 10.4).

DIVISION OF LAND A division, which creates from one lot a total of two lots, is considered a Division of Land and is exempt from procedures and standards of the subdivision regulations. Some examples include:

- Creating a lot in an agricultural or rural zone district for a single-family residential building site.
- Separating existing improvements from agricultural land.
- Creating a lot in a commercial or industrial zone district for existing or future development.

Restrictions - No lot that is part of an approved Minor or Major subdivision plat filed in the records of the County Clerk & Recorder shall be re-divided through an exemption process. Lots platted in a Minor or Major subdivision may only be re-subdivided by utilizing the applicable Minor or Major subdivision process.

Any parcel which has been divided through an exemption process in the previous 10-year period beginning with the adoption of this code (06/02/05), excluding parcels in commercial or industrial districts, will not be eligible for re-subdivision through this process.

Certain divisions require no review - Land to be conveyed to the County, State, or Federal governments, municipalities or special districts for public purposes such as but not limited to: the creation or expansion of public rights of way, public parking sites, public parks, or the creation of public access easements - in no event shall it result in the creation of buildable lots.

WHAT PROCESS DO I FOLLOW?

1. Pre-application conference: The applicant (the owner or the owner's duly designated representative) and the Land Use Administrator shall meet to provide an understanding of the applicable review procedures, requirements and standards and to exchange information pertinent to the site and proposal. The applicant shall provide a conceptual site plan showing in enough detail the location, parcel size and basic concept of the proposed land use.

2. Application Submittal: The applicant shall submit the appropriate application provided by the Land Use Office. The following documents are required with the application:

- Legal Description of Property - a recorded deed or the County Assessors Printout sheet.
- Certification of Taxes Due/Paid - a receipt or printout from the County Treasurers Office. All taxes must be paid when the application is submitted.
- Vicinity Map - an aerial photo locating the section in the County in which the parcel is located.
- Site Plan - A complete site plan that best conveys the conceptual aspects of the plan for effective public presentation.
- Fees - A non-refundable fee of \$500.00 must be paid at the time of filing the application. All fees are payable to the Conejos County Treasurer. (Notary and recording fees must be paid before the recording of any and all plats, resolutions, etc.)

3. Exemption Map/Survey Plat - Per the Land Use Code - Section 3.210 & Section 10.7(B)(3) a survey plat shall be prepared by a registered/licensed professional land surveyor. Once you hire a surveyor please notify the Land Use Office so we may provide them with a copy of the application and the plat requirements. When the survey is complete the Land Use Office will require a Photo Mylar (24"x36") and two copies. One copy is provided to the County Assessor and the other copy is returned to the applicant.

4. Review & Recording Process

- ▶ The Land Use Administrator shall review the application and will conduct a site visit to verify compliance with the Standards for Approval. (See Standards for Approval - below)
- ▶ The County Surveyor will review the exemption map/survey plat to ensure that all survey requirements have been met.
- ▶ The Board of County Commissioners will conduct a final review and if approved a resolution reflecting approval will be signed.
- ▶ Recordation - The signed exemption map/survey plat and the resolution shall be recorded with the County Clerk & Recorder. The applicant is responsible for recording these documents.

THE PROCESS IS NOT COMPLETE. In order to complete the process, the property must be transferred. You must prepare and record the new legal descriptions of the divided property by way of a deed. Please seek the assistance of an Attorney or a Title Company. The County Assessor will not change the legal description until you convey the property.

WHAT ARE THE STANDARDS OF APPROVAL FOR A DIVISION OF LAND?

- The proposal must be consistent with the intent of the zone district the exemption is located within and with the policies and goals of the Comprehensive Plan.
- The proposal will not create a lot less than the minimum lot size allowable in the zone district - one (1) acre.
- The proposed division shall not be part of a parcel, which has been divided through an exemption process in the previous ten years beginning with the adoption date of this code (06/02/05). Not applicable in a Commercial or Industrial Zone Districts.
- The lots shall be served by water and wastewater systems that have the legal and physical capacity to serve them in compliance with this code and state and federal laws. Refer to Article 13.
- Proposed parcel boundaries and development should be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.
- The location and size of lots shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, vegetative cover, climatology, and other environmental features. If there are issues with any of these topics, the Land Use Administrator may opt to use the review process for a Minor Subdivision.
- An access is, or can be made, available that provides for safe ingress and egress to a public road. Refer to Article 14.
- A County issued address is required for any new residential or commercial lot created. Refer to Article 14.

WHAT ELSE SHOULD I KNOW?

Land Use Permits are required for any change in land use unless expressly exempt. For example:

- ▶ Land Use Construction Permits are required for all new construction, additions, accessory structures and remodels and repairs unless expressly exempt.
- ▶ Special Use & Administrative Permits are required for certain uses and activities in each zone district. See Article 4 and Article 5 of the Conejos County Land Use Code for more information.