

# Code Excerpts



## Subdivision Exemption

### Excerpt from Article 9

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#### 9-100 Subdivision Exemptions

- A. The Board of County Commissioners may grant exemptions from the application of the Subdivision Regulations for any subdivision of unsubdivided which the Board determines, pursuant to this Article 9, is not within the purposes of the Subdivision Regulations, as evidenced in Section 1-300 and Article 5 of this Code, and Part 1 of Article 28, Title 30 of the Colorado Revised Statutes.
- B. This subdivision exemption process requires public hearings before the Board of County Commissioners. Subdivision exemptions may be granted only on the basis of the exemption criteria enumerated in Section 9-102, below.

#### 9-101 Types of Subdivision Exemptions

- A. Boundary Line Adjustment
- B. Community Facility Lot Split for land not owned by the County
- C. Townsite Lot Recognition
- D. Other subdivisions of unsubdivided land which the Board in its discretion, based on the applicable criteria of this Article 9, determines do not fall within the purposes of the Subdivision Regulations.

## 9-102 General Exemption Criteria

### A. Criteria for all Exemptions

1. Any new parcel created shall not increase the degree of nonconformity of an existing structure.
2. No exemption shall be approved if development will occur on a topographic or geologic hazard.
3. No exemption shall be approved by the Board within a Floodplain Overlay District, unless it is determined by the County Engineer that all proposed uses are capable of receiving a floodplain development permit.
4. All proposals for the development of parcels created shall conform to the provisions of Article 7 of this Code and the Transportation Standards, including but not limited to access.
5. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands.
6. Proposed subdivisions involving subdivided land shall go through an exemption plat process if applicable under Section 9-200, below, or subdivision review pursuant to the Subdivision Regulations of Article 5 of this code.
7. The proposal shall be in accordance with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

### B. Additional Criteria for Boundary Line Adjustments

1. Divisions which create any number of parcels equal to or less than the number of original unsubdivided parcels are subject to the following conditions:
  - a. Where the original building lot is in conformance with the lot requirements of the zoning district in which the parcel is located, any parcels created shall also conform to those requirements.
  - b. Where original building lots are nonconforming with respect to the lot requirements of the zoning district in which located, any parcels created should not increase the degree of nonconformity.
  - c. A boundary line adjustment shall not be approved solely for convenience of construction.

### C. Additional Criteria for Community Facility Lot Splits

1. Divisions which create parcels for use as community facilities, including utility land acquisition, are subject to the following conditions:
  - a. An exemption may be approved for the placement of a community facility where the size and location of the lot and available services are reasonable, appropriate, and customary for the proposed use.
  - b. Community facilities are public parking areas, public or private educational facilities, public parks and open spaces purchased by a public entity, and utility substations without any dwelling units.
  - c. No exemption is necessary in those cases where the community facility lot split involves land which is, or through the split will be, owned by the County;

### D. Additional Criteria for Divisions within Townsites and Formerly Incorporated Towns

1. Such exemptions shall contain unsubdivided lands situated within an area of Boulder County which was mapped and recorded in the Office of the County Clerk and Recorder in full compliance with all provisions of Chapter 84, Article 11 of the Colorado Revised Statutes of 1868 or any succeeding Colorado statute providing for the mapping or incorporation of townsites, townplats, towns or settlements; or which has discontinued its former incorporation as a city or town pursuant to C.R.S. 31-3-101.
2. Such exemptions shall be limited to divisions of land effected by deed(s)executed and recorded in the Office of the County Clerk and Recorder prior to December 13, 1983.
3. The applicant shall submit adequate evidence that the division was made in substantial reliance upon the map or plat of the townsite area, and that within such townsite area:
  - a. Buildings have been constructed, lawful at the time, based upon the townsite map or plat, buildings have been continuously occupied, and buildings have been maintained in reasonable reliance on the continued utilization of such structures; and
  - b. Roadways providing access into and travel within the townsite have been constructed prior to December 13, 1983, and maintained.

### E. The Board of County Commissioners may exempt from the definition of the term 'subdivision' other divisions of land if the Board determines that such division is not within the purposes of these Subdivision Regulations.