

Article 9



● ● ● Subdivision Exemptions & Exemption Plats

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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, 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.

9-200 Exemption Plats

- A. The Board of County Commissioners may grant exemptions from the application of the Subdivision Regulations, pursuant to the exemption plat requirements of this Section 9-200, in cases where the proposed subdivision involves subdivided land.
- B. Land which is not subdivided land may not go through an exemption plat process. The sole exception to this prohibition shall be where unsubdivided land is proposed to be added to the subdivided land, such that any resulting subdivided lot is 35 acres or more in area.
- C. This exemption plat process requires public hearings before the Board of County Commissioners. Exemption plats may be approved only on the basis of the exemption plat standards enumerated in Section 9-202.

9-201 Density

- A. The exemption plat process shall not require a reduction in the number of subdivided lots as delineated in the original plat. In addition, no exemption plat approval shall permit an increase in the number of subdivided lots, unless any additional resulting subdivided lot is 35 acres or more in area

9-202 Exemption Plat Standards

- A. Standards for Exemption Plats
 1. Where structures on existing subdivided lots are in conformance with the building and structure requirements of the zoning district in which the lot is located, any structure on a subdivided lot approved through the exemption plat process, should also conform to these requirements.
 2. The design of proposed subdivided lots and the location, size, height, and design of proposed structures approved through the exemption plat process shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, scenic views, vegetative cover, climatology, and other environmental features as identified in the Comprehensive Plan, or identifiable on or near the site.
 - a. No exemption plat shall be approved by the Board, unless it is determined that the development will not have a significant adverse impact on plant or wildlife habitat, migration corridors, or sensitive and unique plant or wildlife ecosystems as identified in the Comprehensive Plan, or identifiable on or near the site.
 - b. No exemption plat shall be approved by the Board, unless it is determined that the development will not have a significant adverse impact on wetland areas as identified in the Comprehensive Plan, or identifiable on or near the site, or alter drainage patterns from historic levels, and that runoff and erosion from this development will not have a significant adverse impact on the character of the wetland.
 3. Proposed subdivided lots and structures approved through the exemption plat process shall be suitably sized and located with respect to the character of the neighborhood, and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures, and to maximize visual blending with the surrounding topography.
 4. Subdivided lots approved through the exemption plat process must be greater than one acre in size, unless served by public water and/or sewer.
 5. Confirmation from service providers that the proposed subdivided lots approved through the exemption plat process do not affect the provision of water, sewer, telephone, and emergency access, shall be required.
 6. No exemption plat shall be approved in a Flood Plain Overlay District, unless the County Engineer determines that all proposed subdivided lots are capable of receiving a floodplain development permit.
 7. If necessary to meet the standards, building envelopes on reconfigured lots may be required. In addition, certain portions of the subject property may be replatted through the exemption plat process into common outlots for the use and enjoyment of the residents of the platted subdivision, or to protect environmentally or visually sensitive features on the site.
 8. The proposal shall be in accordance with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

9-203 Vacations

- A. Road and utility easement vacations, resulting from subdivided lot reconfigurations through this process, may be heard and acted upon by the Board, in conjunction with the exemption plat hearing, following review of the vacation by Planning Commission.

9-300 Expiration of Subdivision Exemption and Exemption Plat Approvals

- A. The Board of County Commissioners' decision to approve or conditionally approve an exemption plat or subdivision exemption shall, unless otherwise stated in such action, be effective for a period of one calendar year from the date of approval to the date of recordation of all exemption documents.
- B. The Board of County Commissioners may grant up to two extensions of deadlines of no more than one year each for those dates specified in this Section, if it finds that there has been no change in this Code, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved exemption.
 - 1. The new application will be reviewed using criteria in effect at the time of the reapplication.
 - 2. The Director may modify the application process defined in Article 3 of this Code if it is determined that adequate public notice and input on the reapplication can be attained through a shortened process.
- C. On an annual basis, the Director may present to the Board of County Commissioners all those applications that will expire in the coming year and may need extensions of processing time.